

DETAILS:

The following is a report of the activities of the above named agents during the period 9/17 to 9/30/25, at Pawhuska, Fairfax, Grayhorse, Ralston, Hominy, Claremore, Bartlesville, Okesa, Wynona, Okemah, Oilton and Cromwell, Oklahoma, locating present address of material witnesses in the Anna Brown, W. E. (Bill) Smith, Henry Hoan and Charles Whitehorn murder cases,

CONCERNING ANNA BROWN MURDER.

The following witnesses were located to-wit:

Mrs. Nora Senne, Bartlesville, Okla., General Delivery.  
 Martha Dorothy Brookshire, Yale, Oklahoma.  
 Bob Carter, Taxi Driver, Fairfax, Oklahoma.  
 Edith Davis, 40 North Worktown St., Tulsa, Oklahoma.  
 Edith Cox, now at Pawhuska, Oklahoma.  
 Blackie Gord, now in jail at Tulsa, Okla.  
 Walter Gray, Attorney-at-Law, Fairfax, Oklahoma.  
 Luella Bullett, now at Hed Form, Okla., near Tulsa.  
 Lee Hinkle, owns and operates filling station and cold drink stand on road to Hominy at the corner where you turn to left for Gray Horse, Okla.  
 James Jenkins, Hominy, Okla., S Hominy Cotton Oil and Ice Co.  
 Ass't. County Attorney Jeffreys, Pawhuska, Okla.  
 Robt. Kazee, farmer near Fairfax, Okla. Well known at Fairfax, Okla.  
 Maggie Clark McClure, Fairfax, Okla.  
 Scott Mathis, Fairfax, Okla. Prop. of Osage Trading Co.  
 Mrs. J. Mercer, Werten Bldg., Pawhuska, Okla.  
 E. D. Rainey, Ralston, Okla. Well known.  
 Mrs Anna Sitterly, Fairfax, Okla.  
 Andy and Ora Smith, live on farm near Fairfax, Okla.  
 Mary Starr, Dewey, Okla. May not remain there long as she visits at Pawhuska, Fairfax, and Hominy.  
 Fred Uto ( or Utah) carpenter at Fairfax, Okla. (Just recently released from Edin jail after serving four months sentence for violation National Prohibition Act) Can be located through R. E. Franks, Prop. White Star Cafe, Fairfax, Okla.

CONCERNING W. E. (BILL) SMITH MURDER.

The following witnesses were located to-wit:

Max Billingsley, (previously reported Max Billings) Okesa, Okla. Note:- Billingsley is well know in Okesa, Okla., and is considered a dangerous man.  
 Walter Philpots, Okesa, Okla., has a reputation of being an automobile thief and tool for Max Billingsley.  
 George Bolton, with the Palace Trading Co. at Fairfax, Okla. (His brother Ernest Bolton at Fairfax, Okla., is a squaw man, drives a red Buick Touring car and is a close friend to Ernest Burkhart.)  
 Charley L. Bothwell alias Kingy Bothwell and brother Jim Bothwell, and

670  
Fairfax, Okla., mentioned in the report by these agents as a confidential informant, advised agents that should he obtain any further information in regard to the present whereabouts of any missing witnesses, or any other information pertaining to these cases, that it be furnished Agent in Charge, T. B. White, Box 125, Oklahoma City, Okla., by mail.

The addresses of the above mentioned witnesses were secured by Agents Parker and Davis from Post Masters and confidential informants and is considered correct up to date.

On September 15th, 1925, Agents Parker and Davis left Agent John K. Wren at Fairfax, Oklahoma, as he had met a Catholic Priest who resides at Fairfax, and who had promised to assist Agent Wren in obtaining the address of some of the missing witnesses, and any other information that he may learn in regard to these cases.

Agent Wren informed these Agents that the Catholic Priest at Fairfax, Oklahoma, had informed him, (whose name is unknown to Agents Parker and Davis) that Mrs. Ernest Burkhart was a member of his church and that he might be able to get some valuable information in regard to these cases and if so, would inform him. Therefore Agent Wren remained at Fairfax, Oklahoma, so that he could keep in touch with the Priest and other confidential informants.

Up to date Sept. 29, 1925, Agent Wren has not returned to Guthrie, Okla., but on his return he will submit a report setting out any information secured from the above named informants.

CONTINUED.

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OCT 16 1925

RECORDED & INDEXED

October 12, 1925.

MEMORANDUM FOR MR. LEBRINE

Attention: Mr. Ridgely.

Referring further to reports on BRYAN BURKHART, et al, in connection with the Osage Indian Murders, I am enclosing herewith copy of report submitted by Agent Smith, Guthrie, Oklahoma, under date of September 30, 1925.

Very truly yours,

Director.

Encl. 9637.

THIS CASE ORIGINATED AT **Oklahoma City, Okla.**



REPORT MADE AT: <b>Guthrie, Okla.</b>	DATE WHEN MADE: <b>Oct. 6-1925</b>	PERIOD FOR WHICH MADE: <b>9/15 to 9/30</b>	REPORT MADE BY: <b>F. S. Smith</b>
TITLE: <b>BRYAN BURKHART ET AL.</b>			CHARACTER OF CASE: <b>Murder of Anna Brown Osage Indian Woman</b>

O. C. File #70-1

**SYNOPSIS OF FACTS:**

**REPORT OF SPECIAL AGENT JOHN K. WREN WORKING UNDER COVER.**

62-5033

Location of the following witnesses and their reliability in the Anna Brown murder case:- Joe McGuire, Wayne McVey, Maggie Clark McClure, Bob Shrofe, Ona Smith, Walter Gray, Frank Hickey, Scott Mathis, Mr. Turten, and Fred Wheeler. In the W. E. (Bill) Smith murder case:- Dock Hawkins, John Hazlitt, F. C. Hofer, J. W. Hutchinson, W. E. Copeland, C. M. Crossland, Walter Doolin, Ed Fincher, Dr. A. H. Friedman, M. M. Richessin, Mr. D. A. Shoun, George Bolton, Charles Hembree, Frank Shaw, W. C. Spurgin, Sam Talk, Henry Ward, J. G. Wismayer, W. G. Lynn, Alva Wilson. In the Henry Roan murder case:- C. E. Ashbrook, Bob Parker and Dr. M. B. Prentiss. Possible sources of information; mention of confidential informants assisting in investigation. **CONTINUED.**

**DETAILS:** The following is a report of my activities during the period Sept. 15th to 30th, inclusive, at Pawhuska, Fairfax, Hominy, Malston, and vicinity, in the following Osage Murder cases:

**ANNA BROWN MURDER CASE.**

Secured information from undercover informant that Joe McGuire is now residing on Bird McGuire's farm near watchhorn, Okla., an oil town not far from

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	62-5083-225	RECORDED AND INDEXED: OCT 10 1925
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 Washington 3 Files <i>[Signature]</i>	OCT 10 1925 A.M. BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	CHECKED BY: 2261 1925
		ROUTED TO: Div. Two	JACKETED:

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Malston, Okla. Joe McGuire is a material witness in the above murder case. Joe McGuire is a white man.

Wayne McVey, who is a material witness in the Anna Brown case, and who has been reported as being somewhere in Idaho, is now back in Fairfax, Okla., and has just recently been seen there. McVey is a white man.

Maggie Clark McClure, a material witness in the Anna Brown case, is an Indian woman. She is still in Fairfax, Okla.

Bob Shrofe, Fairfax, Okla., a white man and a crook. He is the present detective or spy for Bill Hale and the Big Hill Trading Company, and does all the framing for them in their crooked deals in skimming the Indians. He is also a very close friend of Ernest and Bryan Burkhart. Shrofe keeps Hale informed of any activities regarding Hale and his allies. This man is yellow and will talk if put under the "hammer" when the time comes.

Ona Smith, Fairfax, Okla., a material witness in the Anna Brown case. This man's name has evidently been reported in error, as his correct name is NOLAN SMITH. He is a white man, the son of Andy Smith, and the one who found the body of Anna Brown.

Walter Gray, Fairfax, Okla., an Attorney who took the evidence given at Coroner's inquest and made transcript of same. He has the reputation of being crooked and will take the money. He is a white man.

Frank Hickey, an Indian boy, is still living at Fairfax, Okla. He is about 15 years old. Frank Hickey is alleged to have found the 32-calibre pistol that killed Anna Brown.

Scott Mathis, Fairfax, Okla., a white man, and is president of the Big Hill Trading Company at Fairfax. Mathis is a close pal of Bill Hale's; he is a crook and evidently in the power of Hale, as Hale handles him. Mathis has in his employ a Bob Shrofe, who is an informant of his (Mathis) and Bill Hale, on their crooked deals with the Indians.

Mr. Turnden, an Undertaker, Fairfax, Okla. This man's correct name is TURTEN. He is a material witness in the Anna Brown case. He is a white man and has a good reputation.

Fred Wheeler, an Indian boy, Fairfax, Okla. This boy died about a year ago. Fred Wheeler was one of the four parties who talked to Anna Brown and saw her with Bryan Burkhart in Malston the night she was murdered.

#### W. E. (BILL) SMITH MURDER CASE.

Dock Hawkins, Chief of Police, Webb City, Okla., a material witness in the Smith murder case. He is a white man and has the reputation of being crooked.

John Hazlitt, Fairfax, Okla. He is in the insurance business in Fairfax.

1202

He is a white man, the son of the wife of Sol Smith, and Sol Smith's stepson. Sol Smith's wife is now being kept by Bill Hale. Hazlitt will do as his mother says, who will be directed by Bill Hale.

F. C. Hoefler, Fairfax, Okla. This man is a white man; he is Agent for Ford and Lincoln cars; he is closely connected with guardians of Indians, and they work together to get the Indians' money. He is friendly to the Hale faction.

J. W. Hutchinson, Fairfax, Okla. He is a white man, and is now and was at the time of Bill Smith murder, a Deputy Sheriff of Osage County. He has reputation of being crooked and will take money; he is a "snake."

W. E. Copeland, Fairfax, Okla. He is a white man; he is Ass't. Cashier of the First National Bank of Fairfax, where Bill Hale does most of his banking business; said to be friendly to Bill Hale faction, and is N. G.

C. M. Crossland, Lyman, Okla. He runs grocery store situated one mile West of Lyman, Okla., which is 20 miles North of Fairfax. He is a white man.

Walter Doolin. This witness has a home in Oilton, Okla.

Ed Fincher, Fairfax, Okla. He is a white man. This man is a material witness in this case. This man is very reluctant to talk at this time, like many others, due to the fear of Bill Hale and his allies, but when the principals in the Bill Smith murder case are in custody, then this witness, as well as many others, will talk. Fincher is proprietor of Silver Moon Cafe.

Dr. A. H. Friedman (Previously reported as Dr. A. M. Freedman), Fairfax, Okla. He is a white man; he is a dentist; is a gambler and a close friend of the Hale faction.

M. M. Richesson (previously reported as M. M. Richeson), Fairfax, Okla. He is a white man; he is the Indian Agent at Fairfax; he is reported as being a crook, and is in the power of Bill Hale and will do what Hale says.

Dr. D. A. Shoun, was previously reported as living in Denver, Colo.; he is now residing at Canyon City, Colo. He is a white man.

Dr. J. G. Shoun, Fairfax, Okla. He is a white man. Both the Shouns will talk when brought into Federal Court and when they know Hale and his allies are in custody.

George Bolton, Manager of Palace Trading Co., Fairfax, Okla. He is a white man; had trouble with Bill Hale over some cow hides, went to Court over it and Hale beat him in Court. From information gathered, do not believe that George Bolton was in the conspiracy to murder Bill Smith. George Bolton has a brother Ernest who is a squaw man and who is a close friend of the Burkhardt brothers.

Charles Hembree, Fairfax, Okla., is a young man and if the same party who has same name and is material witness in Smith case, is a auto thief and is said to be now out on bond. It is not known who made Hembree's bond, but is

1203

reported that the Hale faction generally makes the bonds of the crooks in that vicinity.

Frank Shaw, Fairfax, Okla. He is an Osage Indian, and is now or was a State Representative. This man, like many other Osage Indians, will not talk until he knows that Bill Hale and Hale's co-conspirators are in custody.

W. C. Spurgin, Fairfax, Okla. He is a white man, and owns the Scourgin Motor Company of Fairfax. This man will talk after Hale and his allies are in custody. Have been confidentially informed that this man has very good general information regarding the Bill Smith and other Osage Indian murders.

Sam Tulk, Chief of Police, Ponca City, Okla. He is a white man, and is a close friend of Bill Hale. Is said that Tulk has taken money from Bill Hale and the Big Hill Trading Co.

Henry Ward, J. H. Ward and J. E. Ward are the same, and correct name is Henry Ward. He is a white man, and is the Jewett automobile agent in Fairfax. He is said to have served time in the penitentiary in Texas, before coming to Fairfax, on charge of cattle stealing. He is an enemy of Bill Hale.

J. G. Wismeier (previously reported as J. G. Wismier) Fairfax, Okla. He is a white man, retired from active business, and former State Representative.

W. G. Lynn, Fairfax, Okla. He is a white man, and is guardian for several Indians. He is absolutely OK. He sat on Coroner's jury in the Bill Smith case. He talked to Bill Smith two days before the Smith home was blown up, and Smith told him (Lynn) that he did not expect to live very long as he was afraid that he (Smith) would be murdered. Lynn lived just a short distance from Bill Smith when the Smith home was blown up, and was one of the first men to arrive on the scene of the blowup.

Alva Wilson, a white man, who was formerly Clerk at the Smith-Williams Hotel, Fairfax, Okla., is now residing at Hominy, Okla., and is the Night Clerk of the Unoberlyn Hotel. It has been learned by this Agent from reliable sources that Mr. Wilson has very good general information of the conditions existing in and near Fairfax at the time and after the murder of Bill Smith. This agent advises that Wilson not be interviewed at this time, but that he be subpoenaed for the Grand Jury, at which time he will be thoroughly questioned.

#### HENRY ROAN MURDER CASE.

C. E. Ashbrook, Cashier, Fairfax, First National Bank, is a white man. He is a close friend of Bill Hale and will not talk against the Hale faction, for the reason that Hale has too much on him.

Bob Parker, Chief of Police, Fairfax, Okla. He is a white man, and a close friend of Bill Hale. He will favor Hale in any way that he can, and will do nothing against Hale whatsoever.

Dr. M. B. Prentiss (previously reported as Dr. H. B. Prentiss), Fairfax,

1204

Okla. He is a white man, and is a material witness in the Roan Burder case. This man is "on the fence" but will talk with reference to the Roan Burder when Hale and his allies are in custody, and Prentiss is put under the "hammer."

This Agent obtained from very reliable sources the information that W. K. "Bill" Hale is not a member of the K. K. K. Agent learned that Scott Mathis, President of the Big Hill Trading Company; Homer Huffaker, President of the Fairfax First National Bank; G. E. Ashbrook, Cashier, First Nat'l. Bank, and W. K. "Bill" Hale are very closely connected. Further, they know so much on each other that neither will talk regarding any of the others. They all have been in various deals together in cheating the Indians out of money. On one occasion, Hale loaned an Indian, named Dick Newella, a small sum of money on a big Cadillac coupe, and when the Indian could not pay the money, Hale bodily took the car from the Indian, and he was backed up in his action by the Indian's guardian, he, (guardian) making no effort to assist the Indian. Other Indian guardians conspire with Hale in cheating the Indians, in the sale of horses, cattle, automobiles etc.

A white man named Bob Shrofe, living at Fairfax, Okla., is the "Medicine Man" for the Hale-Mathis gang; Shrofe gets all the dope on the Indians and frames the crooked deals for Hale and his outfit. Shrofe is in the power of Hale and his outfit; he is a real spy, is yellow and will "squak" if pressure is brought to bear on him.

A white man named John Luppy, who with his wife, runs the Lohann Cafe at Fairfax, Okla., and has lived there about two years. He is an ex-convict, ex-car thief, and before coming to Fairfax, he and his wife ran a road house near Ponca City. This man and his wife are close friends of the Hale faction, and are continually trying to find out who all strangers are and their business that appear in Fairfax, and are very sharp in their way. From confidential sources, this Agent learned that Luppy and his wife know considerable about the activities of the Hale and Burkhardt gang. It is not deemed best to interview this man at this time, but when the Grand Jury is called it would be advisable to have him and his wife subpoenaed and thoroughly questioned and if desired then have them before the Grand Jury.

A man named Jim Moss, living at Fairfax, Okla., interested in the cattle business, is another spy of Bill Hale's, and really endeavors to find out the business of each and every guest that registers at the Smith-Williams Hotel, Fairfax. This man is a "wolf" and very foxy.

The majority of the citizens of Fairfax, Okla., are members or were members of the K. K. K. They are not active at this time. While the K. K. K. of Fairfax, as a body, have not made any attempts to molest Bill Hale or his faction, they have no love for him or his gang. Hale is a big power in his country, and at present is endeavoring to win the good graces of the people of that vicinity by his gifts of horses and ponies to the small boys, and other girls.

Through a confidential informant, a Catholic Priest, Agent learned that Mrs. Mollie Burkhardt, who professes the Catholic faith, and who is the wife of Ernest Burkhardt, and a daughter of the deceased Lizzie "Q", sent word to the Priest just recently that she was afraid of being poisoned at her home with whiskey, and the Priest advised her not to drink any liquor of any kind under any circumstances. The Priest also told Agent that Mrs. Burkhardt had not attended church for some time and is being kept from doing so by her husband, Ernest



Burkhart because of the fear that she might talk to some of the church members. This confidential informant has just recently been moved to another church in Oklahoma and left with his successor instruction to pass to Agent any information obtained.

The Indians and several white people in Fairfax and vicinity are very much afraid that some deed of violence is going to befall them, probably by the hands of the Hale faction, and have placed in the rear and front of their homes electric lights, which they burn all night. Quite a number of these people want to sell their homes and leave the Osage country. This Agent knows this to be true as he has observed same while out at night conferring with confidential informants, who have also called his attention to these facts.

This Agent met an old friend from El Paso, Texas, a Mr. Adams, who has a number of cattle pastured on Bill Hale's pasture lands. Mr. Adams has assisted this Agent very much in keeping Agent under cover. Agent's undercover occupation is that of agent for banking people of Southwest Texas, who have placed loans on Texas cattle, which are now being pastured in Osage County in the immediate vicinity of W. K. "Bill" Hale's ranch.

This Agent has several distant relatives living in various towns in Osage County, Oklahoma, and through them will secure additional general information regarding these murder cases, and will report on same at a later date. These relatives have not been interviewed up to this time regarding these murder cases.

Pitts Beatty, who is Mayor of Fairfax, Oklahoma, was found to be a very close personal friend of Subject Hale, and further it was ascertained that this man is an arch crook and is the guardian for Molly Burkhart, the wife of ERNEST BURKHART - the Subject of this report.

CONTINUED.

1204

WES:GA  
62-502-225

October 14, 1925.

MEMORANDUM FOR MR. LUEHR

Attention: Mr. Miggely.

I am attaching hereto copy of an additional report submitted by Agent Smith, Outkrie, Oklahoma, under date of the 6th instant, further with regard to the OSAGE INDIAN MURDER.

Very truly yours,

Director.

Encl. 9657.

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OCT 15 1925

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Department of Justice

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OCT 12 1925  
DIVISION

Oklahoma City, Okla.

October 11, 1925

Director

Relative employment [redacted] <sup>B7D</sup> have just returned from trip to McAlester State Penitentiary where Agent Smith and I secured statements from two men of Smith and Roan murders and positively fixed Hale and Burkhart as responsible. They name those who actually blew up Smith home, one of whom Kelsy Morrison we expect to get a confession from any day. This information secured on leads furnished by [redacted] <sup>B7D</sup> and think it imperative that his services be retained for at least thirty days if not longer. I am doing all possible to curtail expense. Detailed report will be mailed you as soon as possible but developments unfolding so fast now on these leads that am going to have them followed up so as to report fully.

TWO THREE

Recd: 9:30  
Decided: [redacted]  
To Dir: 9:55

RECORDED & INDEXED

62-5033-224

OCT 12 1925 A.M.

DEPARTMENT OF JUSTICE

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62-5037-226

OCT 17 1925

October 12, 1925.

White  
Federal Building  
Oklahoma City, Okla.

Replying your wire October eleventh relative  
employment [redacted] authorize employ him further period  
thirty days.

B7D

Five Hoover.

PROCEEDED & FILED

Department of Justice

TELEGRAM RECEIVED

OKLAHOMA CITY, OKLA.

October 15, 1925

DIRECTOR

AUTHORIZE AGENT JOHN WREN'S ASSIGNMENT INDIAN RESERVE CASES THROUGH  
TO END OF MONTH TO BRING ABOUT FURTHER DEVELOPMENTS PRESENT LEADS.

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RECD: 4:00  
Decoded: M.  
To Dir: 4:10

OCT 15 1925

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62-5033-227

October 16, 1925.

Mr. T. B. White,  
P. O. Box 125,  
Oklahoma City, Oklahoma.

Dear Sir:

Referring to your telegram of October 15, 1925, requesting the authorizing of Agent Wren's assignment to the end of this month, I beg to state that this authorization is hereby granted.

I was under the impression, upon receiving your letter of September 19th, that you had practically concluded with Agent Wren's services. I assume that this extension to the end of the present month will be the last and that on the 31st of October he will return to his official station. There is, as you know, a demand for Agents from all parts of the country and I know you will do everything possible to handle the Osage matter with the Agents you have at the present time.

Very truly yours,

Director.

RECORDED & INDEXED

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DEPT. OF JUSTICE  
DIVISION OF INVESTIGATION  
OCT 28 1925

THIS CASE ORIGINATED AT **Oklahoma City.**

REPORT MADE AT: <b>Guthrie, Okla.</b>	DATE WHEN MADE: <b>Oct. 16-1925</b>	PERIOD FOR WHICH MADE: <b>9/25/25</b>	REPORT MADE BY: <b>F. S. Smith</b>
TITLE: <b>BRYAN BURKHART ET AL</b>		CHARACTER OF CASE: <b>Murder of Anna Brown Osage Indian Woman.</b>	

O. C. File #70-1

SYNOPSIS OF FACTS:

REPORT BY SPECIAL AGENT JOHN B. BURGER.

62-5033

Statement obtained from W. L. Clingan disclosing that he and Dick Gregg were approached by W. E. "Bill" Hale and offered \$5000.00 to kill W. E. Smith and wife. Later viewing the premises of W. E. Smith and reviewing surroundings, after which they determined not to accept the offer. This corroborates prior statement of Dick Gregg.

REFERENCE report this Agent July 17, 1925 captioned as above with special reference to statement therein by Dick Gregg.

DETAILS: CONCERNING THE MURDER OF W. E. (BILL) SMITH.

STATEMENT BY LEE CLINGAN.

"Picher, Okla. Sept. 25/25.  
"My name is W. L. Clingan. I reside at Picher, Okla. About one month before Bill Smith's home was blown up at Fairfax, Okla., John Gregg,

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	62-5033-228	RECORDED AND INDEXED: OCT 25
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 Washington 3 Files	BUREAU OF INVESTIGATION OCT 20 1925 A.M. DEPARTMENT OF JUSTICE	CHECKED OFF: OCT 26 1925
		ROUTED TO: Div. Two	JACKETED:

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father of Dick Gregg, met Dick Gregg and myself at Bob Dawson's Garage, Bartlesville, Okla., and told us that Fred Howe wanted us, Dick Gregg and myself to meet him and Bill Hale in his, Bill Hale's pasture on the following morning. Dick Gregg, John Gregg, and myself left Bartlesville, Okla., in a car and went to Bill Hale's pasture east of Fairfax, Okla., where we met Bill Hale. Hale then told us John and Dick Gregg and myself, that he wanted Bill Smith and wife killed, and Smith and his wife would be alone and he, Bill Hale, said if we would kill both of them, Bill Smith and wife, he would pay us \$5000.00. That he, Hale, had give Fred Rowe \$5000.00 to pay off when Smith and wife was killed. Hale said for us to go look Smith home over and when we got ready to blow Smith home up and to let him know day before so he, Hale, could be away and he, Hale, would go to Ponca City or Wichita or some other place where he could register at some prominent hotel for alibi. Hale then pointed Bill Smith's home out to Dick Gregg and myself and told us to do a good job and put them out of the way. Dick Gregg and myself then called at Bill Smith's home and visited with Smith and his wife and found several people there and, after seeing women and children, refused to do the job as we did not want to kill several innocent women and children. Hale said for us to shoot them, Bill Smith and wife, or kill them any way we wanted to just so we got them out of the way. The above statement made of my own free will without threat or promise, first being advised that same would be used at evidence in the prosecution of Osage Indian murder cases.

(Signed) Lee Clingan."

Present address of W. L. Clingan is Picher, Oklahoma.

INVESTIGATION CONTINUED.

1213



RM:JL

October 1925.

Mr. F. B. White,  
P. O. Box 125,  
Oklahoma City, Okla.

Dear Sir:

Will you please forward to the Bureau at the earliest possible moment a detailed summary making same as brief as possible of the actual evidence secured in the Osage cases to date.

It was my understanding that Agents Grimes and Murphy have been engaged in preparing a summary of this kind in the recent past for use before the Grand Jury. Probably this will meet the Bureau's purpose at the present time.

Will you please expedite the transmission of the summary indicated above.

Very truly yours,

Director.

RECORDED & INDEXED  
62-5033-229

1214

Department of Justice,

Bureau of Investigation.

P. O. Box 125,  
Oklahoma City, Oklahoma,  
Oct. 20, 1925.

Director,  
Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

RE: OSAGE INDIAN MURDER CASES.

Dear Sir:

I am forwarding to you, under separate cover, a digest prepared by the agents assigned to the cases of Henry Roan, Anna Brown and W. E. (Bill) Smith, Murder of Osage Indians, all of which is for your ready information. I would like to state in this connection, that by reference to these digests you can get a complete and comprehensive view of the cases in a short time.

The entire file in these cases has been re-prepared and numbered and these digests made in order that when the case is presented to the court for prosecution, the attorneys will have no difficulty in intelligently presenting the matter. The way the reports heretofore reflected the case, it would have been almost impossible to get all of the details before the grand jury or court, but the way it has been prepared, I believe that every detail fact can be brought out. As further information is developed in the case, I am having this digest revised and it kept up to date so that all of the information will be in it when prosecution is started.

OCT 29 1925

Respectfully,

62-5033-130

TBW:h

*[Signature]*  
Special Agent in Charge.

*[Handwritten mark]*

1215

THIS CASE ORIGINATED AT Oklahoma City, Okla.

REPORT MADE AT: <u>Guthrie, Okla.</u>	DATE WHEN MADE: <u>10/19/25</u>	PERIOD FOR WHICH MADE: <u>9/21 to 10/10</u>	REPORT MADE BY: <u>F. S. Smith</u>
TITLE: <u>BRYAN BURKHART ET AL</u>		CHARACTER OF CASE: <u>Murder of Anna Brown Osage Indian Woman.</u>	

SYNOPSIS OF FACTS:

JOINT REPORT OF AGENTS J. A. STREET AND J. R. BURGER

Agent Street obtained statement from Henry Mayse at Phoenix, Arizona, Bureau office in which Mayse states conversation of one R. W. Dunham, involving Blackie Thompson and three others in the blowing up of the W. E. (Bill) Smith home. Telegraphic instructions received from Agent in Charge, T. B. White, for Agent Street to proceed to Los Angeles, Calif., to locate Wid Ewers, an important witness in the Smith case. Agent endeavored to locate Wid Ewers in Los Angeles and vicinity, but was unsuccessful. Agent Street endeavored to locate at El Paso, Texas, and vicinity, Claude Parker, a material witness in the Anna Brown case. No success. Photograph of Parker given local officers at El Paso with instructions to hold Parker for this Department if apprehended. Agent J. R. Burger obtained statement from Harve Areas, Sheriff of Osage County, Oklahoma, relative to W. E. (Bill) Smith case, stating that Bill Hale owed him \$7000.00 and refused to pay it, also that Hale circulated statement that he was going to murder Smith. CONTINUED.

62-5033

DETAILS:

CONCERNING MURDER OF W. E. (BILL) SMITH.

On September 21st Agent J. A. STREET at the Phoenix, Arizona, Bureau office obtained the following statements from Henry Mayse, a former Deputy Sheriff of Osage County, Oklahoma.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>F. S. Smith</i> SPECIAL AGENT IN CHARGE	62-5033-23	RECORDED AND INDEXED: OCT 23 1925
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 Washington 3 Files.	CHECKED OFF: OCT 23 1925
	BUREAU OF INVESTIGATION OCT 23 1925 P.M. DEPARTMENT OF JUSTICE	
	ROUTED TO: Div. Two	

STATEMENT OF HENRY MAYSER:

That he resides at 1326 Grand Avenue, Phoenix, Arizona; that he formerly resided at Pawhuska, Oklahoma; that he is 36 years of age; that he was Deputy Sheriff under C. A. COOK, of Osage County, Oklahoma in the years of 1923 and 1924.

That in the year 1924, acting as deputy sheriff, in company with one R. W. DUNHAM, who now resides in Shidler, Oklahoma, he was taking from Shidler, Oklahoma, to Pawhuska, Oklahoma, a party who formerly worked at a dance hall at Webb City, Oklahoma, who had been arrested, charged with being implicated in the Shidler Bank Robbery, and this party volunteered and told us the following with reference to the Osage murder cases and the blowing up of the house of W. E. SMITH, at Fairfax, Oklahoma, which occurred on March 9, 1923.

This party said that he was going to tell all he knew on BLACKIE THOMPSON in connection with the job of robbing the Shidler Bank. He said that he was sitting in the pool hall at Drumright, Oklahoma, talking to BLACKIE and his (informant's) brother, and BLACKIE told his (informant's) brother that BILL HALE owed him \$1,000 yet for the blowing up of the W. E. SMITH property in Fairfax, Oklahoma, and if he did not pay it he was going to blow him up, and they would go and get the money and send a certain woman away to California.

MR. MAYSER stated that he did not know the woman's name, but that she is a blond, who ran around with BLACKIE THOMPSON, and believed she formerly lived at Drumright, also that he (MR. MAYSER) believed she is now residing somewhere in California in the vicinity of Los Angeles.

He (BLACKIE THOMPSON) said that they would get out and make themselves some money and leave the country and go to this woman; that there were certain jobs which could be pulled in Osage County which they could make some money out of.

This party also implicated three parties in the blowing up of the W. E. SMITH house. He stated that BLACKIE THOMPSON stopped at his father's house, who resides at Drumright, Oklahoma. MR. MAYSER does not remember this party's name whom he had under arrest at that time, but states that he formerly worked in a dance hall at Shidler, Oklahoma, and his brother was then down around Oilton and was associated with BLACKIE THOMPSON.

1219

DOC HAWKINS, former city marshal at Shidler, Oklahoma, will remember this party's name, and if discreetly questioned can give the names of these two brothers and their whereabouts, and also the name of the blond headed woman and where she now resides, who, as above stated, was associated with BLACKIE THOMPSON.

This arrest was made the same day that the Shidler Bank was robbed, and BILLY WHITE AND ROY ANDERSON and another party were arrested on the same day that this party was, all on suspicion of being connected with the Shidler Bank robbery.

MR. LAYSE told this party that his brother had been shot and was in jail, and this party said that BLACKIE THOMPSON had been laying around and running around with his brother at Drumright, and that he was going to tell all he knew on BLACKIE. He then told the story that has been heretofore set forth. This party was then taken to the jail, where he learned that his brother was not confined there, whereupon he refused to talk any more and was later released. DOC HAWKINS knew all of these parties and it is believed that information may be obtained from him.

KELSO MORRISON told MR. LAYSE at one time that he was the man who furnished the nitro-glycerine that blew up BILL SMITH's house, but there is no dependence to be placed in what KELSO said, as he talks a great deal, especially when drunk. It is suggested by MR. LAYSE that DOC HAWKINS be discreetly interviewed in order that the names and location of these two brothers above mentioned may be learned, as no doubt they can give some valuable information to the Government regarding the Osage Murder cases.

There is a girl supposed to be around Ponca City now, called "BLOND HEADED BILLY", who used to run around with DICK GRIGG, and it is believed that she could give information on any crime that DICK GRIGG (or any one of several others) was connected with. This girl is well known to SAM TULL, now Chief of Police.

(This girl BILLY was living with Jack Campbell and his wife with a sweetheart named SAMUEL, a Cherokee Indian boy. Jack Campbell got into a fight with the police not long ago.)

MR. LAYSE knows the girl called "SQUAW BABY" very well. She is a black headed girl and formerly lived at Lawnee, Oklahoma,

1218

but does not think she was ever associated with DICK GREGG, but believe that the girl called BILLY knows about and was connected with DICK GREGG on several different jobs.

Before leaving Oklahoma, MR MAYSE gave this information to MR. A W. POMSTOCK. He learned the next day that his statement had been conveyed to WILLIAM K. HALL and others, and that they had been told that he, (MR. MAYSE) was supposed to be working on this case and that he had better be watched.

NOTE

Just before leaving Oklahoma some three months ago, Mr. MAYSE stated that he had reliable information that CHARLIE QUICK was residing in Drumright, Oklahoma; that MON QUICK is now confined in the penitentiary at McAlester and that JIM BOSWELL is probably at Cromwell and can probably be located through DICK CARAWAY, Chief of Police at Cromwell, Oklahoma.

MR. MAYSE also stated that he had no information as to the whereabouts of CHARLIE BOSWELL. That MON QUICK was sent to the pen from Sapulpa, Oklahoma, for robbery or hi-jacking he thought and that he should be now in the McAlester Penitentiary.

There is a boy in the McAlester Penitentiary who was sent there for robbing the Shidler Bank at the time that ROY ANDERSON and BILL WHITE were, who can give some good information if he will talk, regarding the connection of JOHN GREGG and HENRY WELLS, DICK GREGG, and others with the robbery of the Shidler Bank. (See court records at Pawnee, Oklahoma, also ex-sheriff Cook).

Mr. MAYSE stated that he is now preparing to move from Phoenix, Arizona to Colorado Springs, Colorado, and that on his arrival he will notify the Department of Justice Office at Oklahoma City of his whereabouts in order that if he can be of any help to the Department in solving these cases, he may be located.

CONCERNING MURDER OF CHARLES WHITEHORE.

STATEMENT OF HENRY MAYSE:

BOB FLETCHER was hauling rock from the hill to town and he heard three shots fired, and a few minutes afterwards he saw a fellow coming from the direction

where the shots were fired, walking very fast. BOB FLETCHER drove on around and past this man with the load of rock and after passing him cut across a wheat field and came by him again, and went on to town. This fellow was a tall, light complexioned man. BOB FLETCHER told MR. MAYSE that he was not going to get mixed up in the affair, but that if there was any way in which he could help MR MAYSE he would do anything in the world to help him.

MR MAYSE believes that he can get an affidavit from BOB FLETCHER as to who this party actually is, as MR. MAYSE firmly believes that BOB FLETCHER knows just who this party was and has told MR. MAYSE that he would do anything that would help MR MAYSE in his case.

Pursuant to telegraphic instructions from Special Agent in Charge T. B. White, Agent J. A. STREET proceeded to Los Angeles to locate and interview WID EWERS in connection with the blowing up of the W. E. (BILL) SMITH home. This Agent made various inquiries at the addresses of several people by the name of EWERS in Los Angeles and vicinity, also at Clive, California, a small village near Santa Anna, Calif., relative to the whereabouts of WID EWERS. WID EWERS apparently is not known to anyone in that vicinity and the EWERS living in Los Angeles and vicinity state that they have no kin folks by the name of EWERS, who have ever lived in Oklahoma. A check was made of the Post Office records in Los Angeles and vicinity in an endeavor to locate EWERS but without success. Agent conferred with the Sheriff's office and with the Police Department at Long Beach and other towns in the vicinity of Los Angeles, but no information as to EWERS was received.

Agent STREET departed from Los Angeles Sept. 26th for El Paso, Texas, where he endeavored to locate CLAUDE PARKER. This Agent conferred with the Sheriff's office, Police Department, and the Custom and Immigration Department in an endeavor to locate PARKER, but was advised by all that PARKER was not known or had been seen in that vicinity. Agent left with local officers of El Paso a photograph of PARKER requesting that if located that he be held for this Department.

Recently Special Agent, JOHN R. BURGER, obtained from HARVE FREAS, SHERIFF of Osage County, Oklahoma, the following statement relative to J. E. (Bill) SMITH.

CONSPIRING MURDER OF W. E. (BILL) SMITH.

STATEMENT OF HARVE FREAS:

MR. FREAS stated that W. E. Smith called at his (FREAS) office a few days before his (SMITH'S) home was blown up, and asked him for some protection

stating that BILL HALE owed him \$7000.00 and refused to pay it, and he (SMITH) was going to bring suit against HALE; that HALE circulated around that he was going to murder him (SMITH). About two or three days before the murder of SMITH, HALE came to FREAS' office and advised him that he owed SMITH several thousand dollars and that SMITH was going to sue him; that if he did sue him and he (FREAS) wanted to serve him to just call him on the 'phone, and stated "You know I cannot afford to be sued", and remarked that SMITH was a G-- D-- S-- of a B-- for suing him.

CONTINUED.

1221



Department of Justice

TELEGRAM RECEIVED

039932

Oklahoma City, Okla.

October 24, 1925.

Director,  
Dept. of Justice,  
Washington, D. C.

2

62-50332

Referring to investigation in re Osage murder cases. Have confession from Burk Lawson, who is serving seven years cow theft McAlester, Oklahoma State Penitentiary, that he placed and set off the explosive that blew up Bill Smith's home; that he was persuaded, prompted and assisted to do it by Ernest Burkhart and W. K. Hale. Am following up leads given by this statement as soon as possible and Assistant to the Attorney General Brown is arranging to have Grand Jury convene Guthrie as figure it will assist greatly in obtaining information and allow us to make arrest on Commissioner's Warrant as originally planned of those implicated short time before presenting case to Grand Jury prevent their escape and thus complicate the case. May need Parker and Davis this week. Report follows.

F.B. on file

Rec'd & despatched  
6:10 PM  
OCD

Rec'd 10/26  
11/2/25  
RECORDED & INDEXED

62-50332-23
BUREAU OF INVESTIGATION
OCT 26 1925
DEPARTMENT OF JUSTICE
D. T. W.

12/2

62-5033-232

OCT 29 1924

WWG:LEW

October 28, 1924.

Mr. T.B. White,  
Federal Bldg.,  
Oklahoma City, Okla.

Regarding Osage Murders wire whether Agents Parker and Davis  
needed now. congratulations on obtaining confession.

TWO HOOVER.

RECORDED & INDEXED

1224

HIS CASE ORIGINATED AT Okla. Okla.

REPORT MADE AT: Guthrie, Okla.	DATE WHEN MADE: Oct. 19-1925.	PERIOD FOR WHICH MADE: 9/21 to 10/19	REPORT MADE BY: F. S. Smith.
TITLE: BRYAN BURKHART ET AL		CHARACTER OF CASE: Murder of Anna Brown Osage Indian Woman.	

O. C. #70-1

SYNOPSIS OF FACTS:

B7D.

INFORMATION OBTAINED FROM CONFIDENTIAL INFORMANT

Alleged material information relative to Osage Murders in possession of Andy Houser concerning murders of W. E. (Bill) Smith and Henry Hoan. Alleged that Edith Fox is in possession of material information that she obtained from Claude Parker relative to Osage Murders. Location of following named witnesses:- Mon Quick, Jim Boswell, Charles Boswell, Ed Bailey, "Slats" Welch and Jim Ballew.

DETAILS:

I am submitting herewith results of my investigation covering period of my assignment as a confidential informant in the investigation of Osage Murder cases.

Through a confidential source I am advised that one ANDY HOUSER now in Jail at mid, Oklahoma, serving a nine months sentence for violation of the Prohibition Law, and who is under sentence for twenty years by the state of

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APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	62-5033-235	RECORDED AND INDEXED: OCT 25 1925
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 Washington 3 Files.	BUREAU OF INVESTIGATION OCT 23 1925 P.M. DEPARTMENT OF JUSTICE	CHECKED OFF: OCT 29 1925 JACKETED
		ROUTED TO: Div. Two	FILE

1274

Oklahoma for murder, which case is pending on appeal. During the period of the Osage Indian murders he was in that vicinity and closely associated with HENRY GRAMMER and HALE factions and is in possession of material detailed information concerning such murders, especially the J. E. (Bill) Smith and Henry Roan cases. I will at the earliest moment discreetly approach HOUSER in an effort to obtain this information.

I was advised by JOHN TILLMAN, Attorney at Pawhuska, Oklahoma, that MR. TEMPLSTON now County Attorney of Osage County has recently been to California to interview a witness concerning the Osage Murder cases, and was unable to have MR. TEMPLSTON divulge further details at this time.

From a confidential source and one that should know, I am advised that EDITH FOR is in possession of very material information relative to Osage murders, especially the W. E. (Bill) Smith case. That she obtained her information through one CLAUDE PARKER, who was at that time her lover and co-partner in the stolen automobile business.

Pursuant to request of Special Agent J. A. STREET that I obtain information and location of certain witnesses, the following is information obtained:

MON QUICK	Oil field worker and all around criminal. Operates at Cromwell and Slick City, now in one of two places
JIM BOGUELL CHARLES BOGUELL	Cromwell, Okla. Operates Owl Drug Store, engaged in boot-legging and all around criminals.
ED BAILEY	Davenport, Okla. Boot-legger and gambler.
"SLATS" WELCH	Fugitive now in vicinity of Pawhuska. Wanted by State authorities in Oklahoma and Missouri for forgery and automobile theft. His wife resides in Slick City. This information furnished by Sheriff of Osage County, who promises co-operation in apprehending.
JIM BALLEW	Now operating Hotel Avon, Ponca City, which is a hold out for the high powered criminals of that section.

The under world and citizenship generally with whom I have approached, while they would like to see the HALE faction prosecuted, are reluctant to divulge information on account of their doubt that the Government really means to prosecute but express themselves as willing to divulge what they know when HALE and his bunch are charged with the Osage murders and are in custody.

CONTINUED.

P. O. Box 128,  
Oklahoma City, Oklahoma,  
Oct. 22, 1935.

OCT 22 1935  
12-2-35  
RECEIVED  
OCT 22 1935  
DEPARTMENT OF JUSTICE  
Div. Two

RECORDED & INDEXED

Mr. E. R. Bohner,  
P. O. Box 576,  
San Francisco, Cal.

RE: BRYAN BURKHART, ET AL  
Murder of Anna Brown and others,  
Osage Indian. X

67-50

Dear Sir:

In the above connection, I would like to state that this case has been under investigation for this Bureau for several years, and we have a voluminous file thereon, and I am not going to attempt to reproduce it and hand to you for what little investigation I am asking you to make in your district.

I have information that an important witness in this case, by the name of Vid Evers, is living at Greville, Butte County, California, the exact address at that place is care of Darty's Store. This party is located there with D. Evers, who is not a witness. Vid Evers is wanted on a charge at Tulsa, Oklahoma, and is probably there in connection with prosecution on this charge, and evidently if the inquiry about him gets to him, he will leave.

I am very desirous of knowing whether or not my information is correct that this man is at this address, so that I can request the Bureau to have an agent sent there after he is located to interview him. The purpose in sending an agent from this office is, of course, to have someone interview him who knows the case in detail. I would thank you very much to communicate with someone there and have a confidential investigation made in this connection, and if Vid Evers is located, advise me by wire.

Thanking you for an expeditious handling of

this, I am

Very truly yours,

*[Signature]*  
Special Agent in Charge.

ZBW:h  
cc- Washington

Department of Justice

TELEGRAM RECEIVED

7-1003

Oklahoma City, Okla.

October 26, 1925.

Director,  
Dept. of Justice,  
Washington, D. C.

Referring your telegram Osage murder Agents Parker and Davis not  
seated yet. Please have them held in readiness. Will advise you  
later.

RECORDED & INDEXED

Two whites.

62-5033-235

OCT 29 1925

OCT 27 1925

*[Handwritten signature and initials]*

Rec'd & decoded

7:11 PM

OCD

1020

Department of Justice

TELEGRAM RECEIVED

2

Oklahoma City, Okla.

October 27, 1925

Director

62-5033

Reference confession Burt Lawson, Bill Smith case, Lawson fears for his life if taken back to McAlester State Penitentiary or any jail in Oklahoma. If you can arrange that he be received Leavenworth Penitentiary think I can have Governor Oklahoma parole to me ninety days so as to be placed there. This very important. Advise as soon as possible.

TWO WHILE

RECORDED & INDEXED

Recd: 1:40  
Decoded: ME  
To Dir: 1:55

Amad  
10/27/25

OCT 28 1925

62-5033-236

BUREAU OF INVESTIGATION

OCT 27 1925 P M

DEPARTMENT OF JUSTICE

Div. Two

me to Okla City  
10/27/25

OCT 29 1935  
62-5033-236

October 27, 1935.

F.B. White,  
Federal Bldg.,  
Oklahoma City, Oklahoma.

Telegram received Oage murders no known method under which state prisoner can  
be legally confined in Federal penitentiary therefore impossible to arrange  
[REDACTED] STOP in addition and considering our experience [REDACTED] BTD  
[REDACTED] my desire you not enter into any arrangement [REDACTED]  
[REDACTED] to you although no objection arranging to have agent accompany [REDACTED]  
provided agreeable to state officials.

TWO HOOVER

RECORDED & INDEXED

1229



HE:IS

October 25, 1925.

Mr. T. B. White,  
P. O. Box 125,  
Oklahoma City, Okla.

Dear Sir:

Please refer to my letter of October 20th,  
requesting a detailed summary of the Geage case.

There have been received summaries prepared  
in your office covering the Bean, Smith and Brown  
cases, evidently prepared from a prosecuting standpoint  
only.

Will you, as stated in my letter of the 20th,  
see that a summary is prepared along narrative lines,  
setting forth solely the essential facts, the gist of  
the evidence developed and the present status, making  
said summary as brief as possible.

Very truly yours,

RECORDED & INDEXED

62-5033

Director 62-5033-237

BUREAU OF INVESTIGATION	
OCT 26 1925 A.M.	
DEPARTMENT OF JUSTICE	
	FILE

1036

Department of Justice

TELEGRAM RECEIVED

GOVERNMENT PRINTING OFFICE

7-1068

Oklahoma City, Okla.

October 27, 1925

Director

Referring to your letter October twenty third requesting detailed summary usage cases, on account present status of case as per my telegram twenty fourth and work attached to the following up of confession of Lawson and expected convening of Grand Jury soon, may I have your permission postpone preparation this summary.

WFO WHITE

OCT 29 1925

Recd: 1:40  
Decoded: M  
To Dir: 1:55

62-5033-238

BUREAU OF INVESTIGATION	
OCT 28 1925 P.M.	
DEPARTMENT OF JUSTICE	
Div. Two	FILE

RECORDED & INDEXED

File 4/25  
date 10-28-25

62-5033

1231

62-5033-238

HM:MP

October 27, 1928.

W B WHITE  
FEDERAL BUILDING  
OKLAHOMA CITY OKLA

ASSIGN COMPETENT AGENT THROUGH INVESTIGATION BUT SUPERVISE  
INVESTIGATION AND REPORT STOP SUBSIDIARY REPORT GRACE MAY BE  
DELAYED BUT FORWARD EARLIEST POSSIBLE MOMENT

TWO HOOVER

62-5033

RECORDED & INDEXED

5-HB

1237

JKH:MO'S

October 10, 1925.

White,  
Federal Building,  
Oklahoma City, Okla.

62-5033

With reference our conversation last evening know of no way whereby party can be committed to Federal Penitentiary without order of court. Suggest that the matter is one that Special Assistant Attorney General Brown should handle with Department and if he has not already wired concerning same would suggest he do so as it is not within jurisdiction of Bureau.

One Hoover.

GENERAL INVESTIGATIVE DIVISION

62-5033-239

123

Department of Justice  
TELEGRAM RECEIVED

GOVERNMENT PRINTING OFFICE

7-1000

Oklahoma City, Okla.

October 30, 1925

Director

Referring to my telegram yesterday concerning placing Lawson, con-  
nected Osage murder cases, in Penitentiary Leavenworth, failed to  
leave with this man last night account arrangements not perfected.  
He was placed in jail Guthrie last night under guard and have ar-  
ranged for Agents J.V. Murphy and Burger to take him from there to  
Leavenworth leaving via Santa Fe tonight.

TWO WHITE  
RECORDED & INDEXED

Recd: 2:45  
Decoded: MK  
To Dir: 2:50

62-5033-24  
BUREAU OF INVESTIGATION  
OCT 30 1925 P.M.  
DEPT. OF JUSTICE  
Div. Two

1254

EM:JL

October 26, 1925.

MEMORANDUM FOR ASSISTANT ATTORNEY  
GENERAL LUBRINO

Referring to a recent conversation with you I am transmitting herewith for your information ~~summaries~~ prepared from a ~~presenting~~ standpoint in the Osage Indian murder ~~cases~~. These cover, it will be noted, the W. H. Smith, Anna Brown and Henry Roan cases.

After you have perused same, if you so desire, will you please return them to me as they are the only copies in our possession.

These, of course, are not intended to serve as a brief summary of the progress of the cases to date and their present status. I have directed that said summary be prepared in narrative form and will forward copy of same to you immediately upon its receipt.

Very truly yours,

Director.

Enc. 9712

RECORDED & INDEXED  
62-5033-241  
OCT 28 1925  
U. S. DEPARTMENT OF JUSTICE

1255

CASE ORIGINATED AT OKLAHOMA CITY, OKLA.



REPORT MADE AT: Guthrie, Okla.	DATE WHEN MADE: 10/27/1925.	PERIOD FOR WHICH MADE: 10/20 to 10/26.	REPORT MADE BY: F. S. Smith.
TITLE: W. K. "BILL" HALE, ET AL. X (Previously reported - Bryan Burkhart, et al). X		CHARACTER OF CASE: MURDER OF OSAGE INDIAN ANNA BROWN, ET AL. (Previously reported - Murder of Anna Brown, Osage Indian Woman).	

(O. C. #70-1).

SYNOPSIS OF FACTS: JOINT REPORT OF AGENTS F. S. SMITH AND J. V. MURPHY.

Statement from Burt Lawson implicating W. K. "Bill" Hale, Ernest Burkhart and Kelsie Morrison in the murder of W. E. "Bill" Smith and family; statements from Hal Buie and Charles Blair, corroborating in part statement of Burt Lawson; second statement from Burt Lawson, implicating him and Kelsie Morrison in the actual murder of W. E. "Bill" Smith and family; statement from Blanch Coyington and second statement from Charles Blair, corroborating in part second statement of Burt Lawson; third and last statement from Burt Lawson, covering in detail the conspiracy to murder W. E. "Bill" Smith and family, as concocted by W. K. "Bill" Hale and Ernest Burkhart, and the actual murder committed by Lawson. Also implicating Roy Bush, Kelsie Morrison and Bryan Burkhart in the murder of Henry Ross.

CONTINUED.

62-5033

REFERENCE - Is made to all previous reports in this matter, previously captioned "BRYAN BURKHART, ET AL - MURDER OF ANNA BROWN, OSAGE INDIAN WOMAN".

RE. MURDER OF W. K. "BILL" SMITH AND FAMILY.

DETAILS:  
Hereinafter set out follows a series of statements, concluded by a last statement obtained from Burt Lawson, covering in detail all of the facts concerning the conspiracy to murder W. K. "Bill" Smith and family, concocted by W. K. "BILL" HALE and ERNEST BURKHART, and the actual murder committed by BURT LAWSON.

ORIGINAL STATEMENT BY BURT LAWSON:

Oklahoma City, Oct. 20, 1925.  
After being warned by T. B. WHITE, special agent in charge,

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>F. S. Smith</i>	SPECIAL AGENT IN CHARGE	62-5033-242	RECORDED AND INDEXED: NOV 13 1925
WASHINGTON REFERENCE: #2	COPIES OF THIS REPORT FURNISHED TO: Washington - 3 File - 3.		BUREAU OF INVESTIGATION NOV 5 1925 P.M. DEPARTMENT OF JUSTICE

1236

F. S. SMITH and J. V. MURPHY, Special Agents, of the Dept. of Justice, that I do not have to make a statement and any statement I do make can and may be used against me in the trial of the cases concerning which such statement is made, and after having been so warned and with no promises having been made me of immunity from prosecution, I now make the following free and voluntary statement without fear of consequences.

My name is Burt Lawson. I have been a resident of Osage County, Oklahoma, for 23 or 24 years. I am now serving a seven-year sentence at McALESTER STATE PENITENTIARY. The definite date I have forgotten, but as nearly as I can recall, I was in the employment of W. E. "BILL" SMITH as a foreman on his farm and ranch, located near GRAYHORSE, in Osage County, Oklahoma, covering a period from sometime in 1918 up to some time in 1921. While in the employ of SMITH, I lived in his ranchhouse with my family. Some time around the early part of 1921 I discovered an intimacy between my wife and W. E. "BILL" SMITH, which finally developed in breaking up my family and caused me to leave the employment of SMITH.

After leaving the employ of SMITH, I then moved with my family to a place about three and one-half miles Southeast of HOMINY, Okla. Some time, as near as I can recall, in July, 1922, ERNEST BURKHART came to my house, which was a two room house, a bedroom and a combination kitchen and dining room. My wife and my mother-in-law, MRS. S. J. CASE, were at the house at the time and in the kitchen. This was about two o'clock in the afternoon. ERNEST came into the bedroom and sat down and after talking a few minutes, turned to me and said - "Burt, I have got a proposition I want to make to you". I remarked, "What is it Ernest?" Ernest said, "I want you to blow up and kill BILL SMITH and his wife. He is the dirtiest principled man in Oklahoma and he wrecked your home and you have good reasons for killing him, and if you will blow him and his wife up with nitroglycerine I will pay you \$5000 cash." Ernest then said that BILL SMITH's wife and his, Ernest's, wife were sisters; that if he could get rid of BILL SMITH and SMITH'S wife, that his, ERNEST'S, wife would fall heir to all their property, which would then make him worth around two million dollars. I turned to ERNEST BURKHART and said, "Ernest, I don't know anything about using nitroglycerine and I would liable to get my hand blown off, and I just did not want to do anything like that anyhow." BURKHART then said, "The reason I mentioned it to you was because I knew you was solid and would not talk; that you had been working for old man HERRHOD for six years and knew everything on him and never told anything on him." I then told ERNEST that I just did not want to do it and



would not do it. ERNEST then got up and started to go and as he walked out of the house, my wife came in from the kitchen and said to me, "What is it of his darn business of our family affairs."

In the next two or three days, possibly four days, W. K. "BILL" HALE came to my house between eight and nine o'clock in the morning. My wife, my mother-in-law, MRS. S. J. CASE, and my sister, MRS. BESSIE C. LACY, were in the kitchen. There was a curtain between the bedroom and the kitchen. BILL HALE set down in my front room and began talking about things generally, and then turned to me and said, "BURT, I've got a proposition I want to put to you." I said, "What is it MR. HALE?" He said, "BURT, I'll give you \$5000 cash, and it won't be a check, if you will blow up BILL SMITH and wife. The reason I want him blown up is that I borrowed \$10,000 from SMITH and he is crowding me for the money and I can't raise the money at the present time, and if I don't pay it he will foreclose on me and cause me a lot of trouble, and if I have SMITH out of the way I will not have to pay him this money. You can use nitroglycerine with a fuse and I will fix the nitro and the fuse and all you will have to do is place it under the corner of his house and touch it off. The fuse only burns only so many feet to the minute, and I will cut the fuse long enough to give you plenty time to get away." HALE then pulled from his pocket a piece of white fuse about three feet long and said, "I will show you how to use it." He then took his pocket knife and cut off a piece about six inches long, then took his knife and split the end of each piece of fuse and spread the ends open, then took a match from his pocket and lighted the end of the short piece of fuse, then placed the ends of the short piece and long piece about an inch apart and said, "You see, the spark will fly from the short piece to the long piece, which will be a more sure shot of setting it off than by using a match." About that time my wife and sister, MRS. BESSIE C. LACY, came into the room and my wife remarked, "What in the world is he doing?", meaning BILL HALE. BILL HALE answered and said, "I'm teaching BURT how to be a mechanic." By that time the short piece had burned down close to HALE'S fingers and HALE threw it on the floor. My mother-in-law, who was in the kitchen, put her head in the door and said, "I smell rubber burning." She looked around and saw the piece of fuse burning on the floor, and remarked, "What are you trying to do, blow up this place?" BILL HALE remarked, "No, I'm just pranking with BURT." My mother-in-law then took a broom and swept this fuse out of the door. My mother-in-law went back to the kitchen, and my wife and sister left the room. I then turned to HALE and said, "HALE, I can't afford to do that and I'm not going to do it." HALE then said, "Well BURT, I will see you later." HALE then left my house.

About two weeks later, as near as I can remember, after BILL HALE

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left my house, I was driving to FAIRFAX, Okla., in my car and when I got near SALT CREEK bridge, which is about a mile out of FAIRFAX, I met KELSIE MORRISON in a car driving towards GRAYHORSE. As we passed, KELSIE called to me to stop. I had got a little past him and backed my car up to his. KELSIE got out of his car and came around to me and said, "BURT, I got a good deal on and I want you to help me to pull the job. There will be good money in it, \$2500 a piece. The reason I came to you is I know that HALE and ERNEST BURKHART had been to you, and that you are solid and will not tell anything." "The job is to blow up BILL SMITH and his wife, and we can do it and do a good job and there will be no danger." I asked KELSIE who was going to pay the money, and he said, "BILL HALE and ERNEST BURKHART will pay half each of \$5000." I told KELSIE that if I had wanted to do it I would have taken the first offer made to me by HALE AND ERNEST BURKHART. KELSIE said, "Well I know that they offered you \$5000." We then parted.

A few days after I talked with KELSIE MORRISON, I was in FAIRFAX and met BRYAN BURKHART near the first blacksmith shop on South side of town. BRYAN said to me, "BURT, why didn't you take up that proposition that KELSIE offered to you to help blow up BILL SMITH and wife? That would have been easy money for you." I told BRYAN that the proposition did not look good to me; that if I wanted the electric chair I would have taken the proposition, but I do not want anything to do with it. He remarked, "I know that BILL HALE, ERNEST and KELSIE had talked to you about it, and know that you are all right." This was all that was said about it.

Some time in August, as I recall, the latter part of August, 1922, I met Roy BUNCH at FAIRFAX near a white church, which is about one block West of the SMITH-WILLIAMS Hotel. I had known ROY BUNCH for a long time, and we got into a conversation about making money. BUNCH said, "BURT, do you want to make some easy money?" I said, "It depends on how you want me to make it." BUNCH said, "HENRY ROAN is a good friend of yours and you know him well, and he will go any where with you. I will give you a \$1000 if you will let me put some strychnine in some whiskey and you give the whiskey to ROAN and kill him. I have got ROAN and his wife separated and we are on bad terms, and I am going to have his wife if I have to kill him myself." I told ROY that I liked HENRY ROAN, and would not hurt a hair on HENRY'S head, and would not have anything to do with it; that if he wanted to kill him, that was his business and for him to hop to it. A short time thereafter I was arrested in September, 1922, as I remember, and put in jail at PAWBUKA, charged with murder, and remained in jail until April 4, 1923, at which time I was released after the jury found me not guilty of the charge of murder. I was released from jail about 11 o'clock at night. My brother-in-law, CHARLIE BLAIR, and my mother-in-law, MRS. S. J. CASE, took me in a taxi cab to PERSHING, Okla., where we caught a one o'clock M. K. & T. train going to HOLLEY. After arriving at HOLLEY we walked three miles

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Southeast to my home. About two or three days after I got home, about two o'clock in the afternoon, BILL HALE and ERNEST BURKHART came to my house. My brother-in-law, CHARLIE BLAIR, and my mother-in-law, MRS. CASE, were in the bedroom, and my wife and my sister-in-law, MRS. CHARLIE BLAIR, were in the kitchen. BILL HALE and ERNEST BURKHART came into the bedroom. HALE appeared to have been drinking a little. After a few remarks, HALE turned to me and said, "BURT, I got that job done, and a good job of it, and now what I want to ask you to do is not to say anything about what we said to you, for if you did there would be no way under the sun to keep me from getting hung." ERNEST BURKHART spoke up and said, "BURT ain't going to talk. I knew him when he worked for old man HERROD for six years and knew everything on him and didn't tell nothing on him." HALE then said, "BURT, if you ever need a friend or anything just let us know." ERNEST BURKHART then spoke up and said, "Yes BURT, if you ever need a friend, money or anything just let us know." HALE then turned to my mother-in-law, MRS. CASE, and said, "BURT knows enough on me to hang me if he would tell it, but I know that you folks never meddle with other folks business, so I can't be worried." My mother-in-law, MRS. CASE, then remarked to HALE, "It takes all of our time to tend to our own business." In a few minutes HALE and ERNEST left my place.

Some time about the middle of April, 1923, I was in an automobile with HAL BUIE, going from HOLIDAY to RALSTON by the way of GRAYHORSE, Okla. Between the SAND ROCK school house and store at GRAYHORSE we met ROY BUNCH, who was in his car. We stopped and all got out, and BUNCH turned to me and said, "BURT who is that fellow you have in the car with you?" I answered him and said, "He is just another crook like we are", referring to HAL BUIE. BUNCH then remarked, "BURT, you just as well had that thousand dollars as net, you would have got some good out of it on the farm. That B-KELISIE and BRYAN will not get any good out of it, they will spend it for cock and whiskey. Them crazy S— of B— KELISIE and BRYAN said they took that whiskey and strychnine that I gave them to give HENRY ROAN, and they said they gave it to him and it did not work fast enough and they shot him. I think they drank the whiskey and shot ROAN, and I told KELISIE so, and when ever you see him you want to josh him about it." Later on, about a week later, HAL BUIE and I were in FAIRBAX and met KELISIE MORRISON near the corner of the First National Bank. We stopped and get into conversation, and I remarked to KELISIE, "ROY BUNCH is telling a bad tale on you, he said that you took that whiskey and strychnine to give to HENRY ROAN and drank it then shot HENRY ROAN," KELISIE remarked, "Did that S— of a B— tell you that?" I said, "Yes that is what he told me." KELISIE said, "That crazy S— of a B— will tell you anything. I learned one thing in this deal. Corn whiskey kills the effect of strychnine."

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The first part of this year, 1925, I was sent to McALESTER State Penitentiary to serve seven years, and since there KELSIE MORRISON came there as a prisoner with a nine-year sentence. On last LABOR DAY, while all the prisoners were on the yard, I was walking around with HAL BUIE and met KELSIE MORRISON near the entrance to the laundry. KELSIE MORRISON remarked, "I wish I was out of this damn place, I would kill me some more Red Asses if they were not all broke." I said, KELSIE you are going to get yourself in a crack if you don't look out." KELSIE said, "Oh hell, do it at night like I did the other jobs when nobody can see you." I remarked, "I could put my finger on those fellows who did the jobs as soon as I heard of them being done." KELSIE remarked, "I guess you could after we had talked it over together." I said, "Yes, and I know who paid you the money and how much they paid you." KELSIE said, "Well I don't care for you knowing it for you never did turn any one in." I said, "Well you got good money for the job." KELSIE said, "Yes, and they are liable to be out a dam sight more before it is over with." Later on I had another conversation on the yard, when there were not many prisoners around, and I told KELSIE that he had better be ready to protect himself, that HALE and the BURKH-HARTS are liable to frame up on him and unload the blame on him, and KELSIE said, "Well I am going to take care of myself."

(Signed) BURT LAWSON.

WITNESSES:

JAMES E. PITZPATRICK,  
WILLARD W. STEWART.

ORIGINAL STATEMENT BY HAL BUIE:

Oklahoma City, Oct. 20, 1925.

After being warned by T. B. WHITE, Special Agent in Charge, F. S. SMITH and J. V. MURPHY, Special Agents, of the Dept. of Justice, that I do not have to make a statement and any statement I do make can and may be used against me in the trial of the cases concerning which such statement is made, and after having been so warned and with no promises having been made me of immunity from prosecution, I now make the following free and voluntary statement without fear of consequence:

My name is HAL BUIE. I am now serving sentence at McALESTER State Penitentiary. Covering a period of 1915 to latter part of 1922, I was in and around the OSAGE country many times, but have actually lived in OSAGE County from latter part of 1922 to March 6, 1925. Covering the period of my residence in OSAGE County I was closely associated with the criminal element, and was generally considered a criminal and classed as a bank robber.

Some time about the middle of April, 1923, BURT LAWSON and I, in my automobile, were on our way from HOMINY to RALSTON going by way of GRAYHORSE. Near the store at GRAYHORSE we met a car and BURT LAWSON and the man driving this car saluted one another and both cars stopped. This man in the other car got out and walked over to where we were, and BURT and I got out of our car. This man, whom I later learned was ROY BUNCH, remarked to BURT LAWSON, "Who is that fellow with you?" BURT answered and said, "Oh he is a crook like we are." This fellow then spoke to me and told me his name was ROY BUNCH, and I told him my name. BUNCH then remarked to BURT LAWSON, "BURT you should have made that \$1000, you could have put it on your farm and got some good out of it, that KELSIE MORRISON and BRYAN BURKHART will not get any good out of it, they will spend it for whiskey." BUNCH then said something about KELSIE and BRYAN taking the whiskey and strychnine that he gave them to kill HENRY ROAN with, and giving it to HENRY ROAN; that it did not work fast enough to suit them and they shot him; that he, BUNCH, believes that they did not give ROAN the whiskey, but drank it themselves, and then shot ROAN. BUNCH said to BURT, "When you see old KELSIE you want to josh him about it."

Several days later BURT LAWSON and I were in FAIRFAX and met KELSIE MORRISON on the street near a bank. KELSIE and BURT LAWSON got into conversation, and BURT remarked to KELSIE, "ROY BUNCH is telling a bad tale on you; that you took the whiskey and strychnine that he gave you to kill HENRY ROAN with and drank it and then shot HENRY ROAN." KELSIE MORRISON said, "Did that S— of a B— tell you that?" BURT said, "Yes." KELSIE then remarked, "That crazy S— of a B— will tell you anything." KELSIE also said, "I learned one thing, that Corn whiskey kills the effect of strychnine."

While I was in jail at PAWHUSKA about Christmas, 1924, awaiting trial on the case I was later convicted on, I met and talked with one AMOS TUCKER, who was also in jail at PAWHUSKA at that time. TUCKER told me that ever time KELSIE MORRISON would get drunk, MORRISON would tell him, TUCKER, about blowing up BILL SMITH and family, and that he really believed that between the whiskey he, MORRISON, drank and this crime preying on his mind, that KELSIE was going crazy.

Just after AMOS TUCKER told me this, KELSIE MORRISON and his wife, CATHERINE MORRISON, and another woman, who ran a road house and whose name I have forgotten, all three being pretty drunk, came into the jail and brought some eatables and some whiskey. They gave us the eatables, and started to give us some of the whiskey, but the Jailer showed up and KELSIE hid the whiskey. KELSIE came around on the side of the cells where AMOS and I were and pulled open his overcoat and showed us three pistols he had on his person, one being a pearl handled pistol. He pulled one of these pistols out, which was a

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45-calibre automatic, as near as I could tell, and said, "Here, do you boys want this?" We did not answer, but pointed and motioned for him to hush, that the Jailer was coming, and AMOS shook his head no. I could plainly see a bottle of whiskey in KELSIE'S pocket, and he started to give us a drink when the JAILOR appeared, and KELSIE later whispered that the bottle was full when he came to the jail, but had given most of it to the other prisoners on the other floor. When KELSIE saw that we did not want the pistols or whiskey, he then walked around in front with the Jailer, and I could plainly see the Jailer take a drink from KELSIE'S bottle. KELSIE then gave the Jailer one of his pistols. KELSIE and these women then left.

On last Labor Day BURT LAWSON, a fellow convic, and I were walking around the yards at the Penitentiary, and met KELSIE MORRISON near the entrance of the laundry. KELSIE MORRISON remarked, "I wish I was out of this dam place, I would kill me some more Red asses if they had any money and were not broke", or words to that effect. BURT told KELSIE that if he did not look out he was going to get himself into trouble. KELSIE remarked, "Hell, I'll do it at night like I did the other jobs, when everyone is asleep and no one can see you." BURT then remarked that he could have put his finger on the fellow who did those jobs as soon as he heard of them being done. KELSIE said, "I guess you could, you and I talked it over together." BURT REMARKED, "I know who paid you the money and how much." KELSIE then said, "I don't care a dam for you knowing all about it, you wouldn't turn anybody in." BURT said something about KELSIE getting good money for the job, and KELSIE remarked, "Yes, and they are liable to be out a dam sight more before it is over with." The conversation then drifted into something else.

(Signed) HAL BULE.

WITNESSES:

JAMES E. FITZPATRICK,  
WILLARD W. STEWART.

Following the obtaining of the above statements, BURT LAWSON was taken to Tulsa, Okla., for the purpose of his causing witnesses to corroborate his above statement, and at Tulsa was permitted to talk with BLANCH COVINGTON and CHARLES BLAIR.

ORIGINAL STATEMENT BY CHARLES BLAIR:

Tulsa, Okla., Oct. 22, 1925.

Statement made by Charles Blair to Special Agents R. S. Smith and J. V. Murphy:

After being warned by Mr. SMITH and MURPHY that I do not have

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to make a statement, and any statement I do make can and may be used against me in the trial of the case concerning which such statement is made, and after having been so warned, I now make the following free and voluntary statement, without any promises having been made me of immunity from prosecution:

My name is CHARLES BLAIR. My home is in Tulsa, Okla., 1109 North Cincinnati Street. I am now in the County jail at Tulsa, charged with grand larceny. On April 4, 1923, I was in PAWHUSKA, Okla., and was present when BURT LAWSON was acquitted on a charge of murder. After BURT'S acquittal and his release from jail, he accompanied my mother and I to HOMINY, Okla., and to my house, where he remained some time. About three or four days after BURT came to my house, which was around April 7 or 8, 1923, and about eight or nine o'clock in the morning, BILL HALE drove up to my house in a car, stopped his car for a few minutes and spoke to me and made some remarks about buying cattle and drove away. About two o'clock in the afternoon of the same day, BILL HALE and ERNEST BURKHART came to my house in a car. I was out in the yard when they drove up, and HALE called "Hallo", and asked me who was there. I told him that there was no one but BURT LAWSON and my home folks. BILL HALE and ERNEST BURKHART got out of the car. HALE remarked to me, "Have you got anything around here to drink?" I told him no. ERNEST BURKHART then reached down in the side pocket of the car and pulled out a bottle of whiskey, and said "Well we have some, take a drink of ours." I took a drink from the bottle and BILL HALE took a drink. HALE then asked, "Where is BURT at?" I answered and told him that BURT was in the house. HALE said, "Well, we will go in and talk with him a while." The three of us then went into the house and into the front room, where we found BURT and my mother, MRS. CASE. My sister, VIRGIE BLAIR, who used to be the wife of BURT LAWSON, and BLANCH GRAHAM were in the kitchen. My house was a two room house, a bedroom and a kitchen, which were separated by a curtain. BILL HALE AND ERNEST BURKHART sat down in the bedroom, and started talking. Some one mentioned about BILL SMITH'S house getting blowed up, and BILL HALE remarked, "They did a good job of it." I remarked to BILL HALE, "BILL SMITH used to call you Burkshire a good deal", and HALE remarked, "Yes, but he will never call me that any more." I had heard a long time ago that BILL HALE had stole some Burkshire hogs and was driving them across the prairie and the owner rode up on him and whipped him with a quirt, and he was after that nicknamed "Burkshire", and after that BILL SMITH always spoke of BILL HALE as "Burkshire". I remarked then to Mr. HALE, "Well blowing up BILL SMITH might have been all right, but blowing up that innocent girl, who was about to be confined, was pretty bad." HALE remarked, "Yes, but that couldn't be helped." Then BILL HALE turned to BURT LAWSON and said, "BURT, now if you should tell what you know, there would be no way to keep us from being hung." ERNEST BURKHART spoke up and said, "You need not be afraid of BURT saying anything, he worked for old man ED HERBAGE for six

years and knew everything on him and never did say anything about it." BILL HALE then said to BURT, "Now BURT, if you ever need a friend, money or anything, let us know and you can get it." Then ERNEST BURKHART spoke up and said, "Yes BURT, if you ever need any money or anything just let us know and you can get it." HALE then turned to my mother and said, "BURT knows enough on us if he told it, that there wouldn't be a chance to keep us from being hung, but we know he don't never meddle with other peoples business, so we can't be worried." My mother then said, "We got all we can do to attend to our own business and never meddle with other peoples business", or words to that effect. After this BILL HALE and ERNEST BURKHART left our house. After they had gone, we all talked about what BILL HALE and ERNEST BURKHART had said, and my mother told us never to "cheep" it, because there had been so many of them murders, and if they, HALE and BURKHART, ever heard of us talking we would liable to be killed. My sister, VIRGIE, after HALE and BURKHART had left, came into the bedroom from the kitchen and said to BURT, "You must know something on them people, they are getting mighty good to you."

I have never mentioned this information to anyone else before, and I am sure that my mother, sister or BLANCH GRAHAM has never told anyone, because they were too much afraid that they would be killed if they did, and I know that if they ever find out that I have told what I have in this statement, that I had better never stick my head in that part of the country, for if I did I would be killed right now.

(Signed) CHARLES BLAIR.

WITNESSES:

SID JACKSON,  
M. C. HUFF.

STATEMENT FROM BLANCH COVINGTON:

Tulsa, Okla., Oct. 22, 1925.

Statement made by BLANCH COVINGTON to FRANK S. SMITH and J. V. MURPHY, special agents, Department of Justice.

My name is BLANCH COVINGTON. I reside at 1109 E. Cincinnati Street, Tulsa, Okla., where I have resided for the past nine or ten years.

Last night about 8:30 or 9:00 o'clock, BURT LAWSON came to my home and told me that he was just from Governor Trapp's office and was with a load of Government laws, and that Governor TRAPP had promised him a pardon from the penitentiary

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and \$10,000 if he would get evidence against HALE and BURKHARTS in the BILL SMITH case, and that he wanted me to be a witness and asked me how much "plaster" was on my house and I told him \$3,000. He then said that if I would be a witness and swear that BURKHART and BILL HALE came to his mother-in-law's, old lady BLAIR, house at HOMINY and came into the kitchen, where VIRGIE and he, BURT, and I were sitting and made the remark that they had made a good job of blowing up BILL SMITH. I said, "BURT, I don't know anything about that, and I wouldn't know what to say; that I wouldn't know what time to say they were there, and I never saw them in my life." BURT LAWSON then said, "Well it was ten o'clock when I placed the nitroglycerine under SMITH'S house, and you can be the judge for yourself in saying what time they were there." I said then, "BURT I never saw those men in my life and that would place me in an awful boat that I couldn't identify these men." BURT said "Well, I will show them to you", and said that if I would swear that I heard these fellows say they were the ones, he would give me \$3,000 to lift the "plaster" off my home; that he would get the \$10,000 after they had their preliminary hearing, and he would then give me \$3,000. BURT said, "Dick (which he always called me) I never lied to you in my life, and I will give you the \$3000."

Two men, who stated they were Government men, and who were out in the car while BURT was talking to me, was then called into my house by BURT. MR. SMITH, one of these Government men, was introduced to me by BURT, and Mr. SMITH remarked to me, "I suppose you was surprised to see BURT?" And I told him I was. BURT then turned to Mr. SMITH and said, "This lady is sick and not feeling well and said she would like to wait until tomorrow morning before she makes a statement. Mr. SMITH remarked, "Well, we are in a hurry to get back, however, I guess we will have to wait until tomorrow morning." Mr. SMITH then asked me what time it would be convenient to take my statement, and I told him around nine or nine-thirty o'clock. Mr. SMITH then told me not to say anything about what we were here for or about our being here, that he would rather that no one would know that we had had BURT out of the penitentiary. Mr. SMITH stated that they were Government officers and that they did their work quietly. Mr. SMITH and the other gentleman then took BURT and left my house, telling me that they would be at my house tomorrow morning at nine o'clock.

Some time in September, 1924, BURT LAWSON, whom I have known for quite a while and who had placed confidence in me many times, while in a confidential conversation, asked me then about the mortgage on my place, and told me at that time that it would be an easy matter to blow up my house and set it afire at the same time and I could collect the insurance of \$3,500, which would pay off the mortgage; that he knew how to blow it up; that he had blown up BILL SMITH and knew how to use the nitro, and tried to get me to let him blow up my house. I told him no that I would not do that. BURT at that time told me that he could blow

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it up and it would never be known.

At one time BERT'S own wife, VIGIE BLAIR, told me that when she was 12 years old that she herded cattle for BILL SMITH, and that one day she told BILL SMITH that if he would support her family and buy her clothes, that she would be the same as a wife to him; that SMITH told her that she was too young and would cause him trouble; that she told SMITH that it would never cause him any trouble; that after that SMITH did support her family and got her in the family way, and was about to be taken into custody by the truant officers; that old lady BLAIR, her mother, got ahold of BURT LAWSON and married her to BURT; that later on old lady BLAIR, her mother, would steal her out for SMITH, and BURT LAWSON objected to it; that finally BURT got mad and beat up old lady BLAIR on account of it, and BURT and old lady BLAIR were put in jail at PAWUSKA over this trouble.

Last night, October 21st, 1925, after BURT told me what he did and knowing that he was the man that actually killed SMITH, because he had told me so, I could not sleep, and this morning bright and early I went to my lawyer, D. B. CREWSON, and told him about what BURT had tried to get me to do, and I asked him what I ought to do, if I should be at home at nine o'clock this morning when the Government officers came back to question me, or should I leave out and not be there when they come. MR. CREWSON told me to be there and tell the truth. I told Mr. CREWSON that I wanted to tell the truth, and he asked me who the men who were with BURT, and I told him that they said they were GOVERNMENT men, but that there was so many things going on that I just did not know who they were, and I felt like I didn't want to talk to these Government men alone. My lawyer asked me if I would object to a plain clothes man being present when I talked to these Government men, and I said no. My lawyer called the Sheriff, who later came down and the Sheriff talked to Mr. CREWSON and me, and I told the Sheriff just what I have told you in this statement, and I will confront BURT LAWSON and tell him just what I have told you.

(Signed) BLANCH COVINGTON.

WITNESS:

R. D. SANFORD.

SECOND STATEMENT FROM CHARLES BLAIR:

Tulsa, Okla., Oct. 22, 1925.

Statement made by CHARLES BLAIR to FRANK S. SMITH, J. V. MURPHY, Special Agents of Department of Justice, and R. D. SANFORD, Sheriff of Tulsa County, Oklahoma.

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After being warned by Mr. SMITH that I do not have to make a statement and any statement I do make can and may be used against me in the trial of the case concerning which such statement is made, and having been so warned, and with no promises having been made me of immunity from prosecution, I now make the following free and voluntary statement, without fear of consequences:

My name is CHARLES BLAIR. I am in the County jail at Tulsa charged with grand larceny, and under the name of EARL DAVIS.

This morning about 9:30 I was called from my cell by the Jailer and told that someone wanted to see me. I came out into the lobby and there met BURT LAWSON. We sat down on a seat and BURT LAWSON began his conversation, by telling me he wanted me to help him out; that he had been paroled from the penitentiary, and that he was going to get a lot of money for getting evidence against BILL HALE and BURKHART for blowing up BILL SMITH, and told me when he got this money that he was going to buy my mother and sister a home either in YALE or BAWHUSKA. He then asked me if I remembered about BILL HALE coming by our house one morning, about five and one-half miles Southeast of HOMINY. I told him, "Yes". He then said that BILL HALE and BURKHART would have a trial at OKID, and he, BURT, was going to have me subpoenaed as a witness, and he wanted me to swear that BILL HALE came by our house in the morning and later on that same day, about two or two-thirty in the afternoon, BILL HALE AND BURKHART came back to the house and came in and talked to him, BURT LAWSON, and told him that they did a good job of blowing up BILL SMITH'S house, but was sorry that the girl was killed because she was in the family way; that BILL HALE said that if he, LAWSON, told on him, they would be hung, but that he knew LAWSON wouldn't talk, because he hadn't talked about an old man whom he had worked for and knew a lot on. BURT told me to say that my mother and sister and BLANCH were there at the time that BILL HALE made this talk.

About this time two men, who said they were Government men, took me and BURT LAWSON into a room, and Mr. SMITH began to question me, and I repeated to Mr. SMITH about what BURT LAWSON had told me to say, and made Mr. SMITH and the other Government man a statement and signed it, and two other men came into the room and witnessed this statement. I now wish to state that that statement is not the truth and the reason I made it was that BURT LAWSON had talked to me and influenced me by telling me he would buy my mother and sister a home, and since having made that statement and talked to Mr. SMITH, the SHERIFF, and MR. MURPHY, I am now telling the full truth.

(Signed) CHARLES BLAIR.

WITNESS:

R. D. SANFORD.

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COND STATEMENT FROM BURT LAWSON:

Tulsa, Okla., Oct. 22, 1925.

Statement made by BURT LAWSON to FRANK S. SMITH, J. V. MURPHY, Special Agents, Dept. of Justice, and R. D. SANFORD, Sheriff, Tulsa County, Okla., and LUTHER BISHOP, Investigator, State Bureau of Investigation.

My name is BURT LAWSON. I am 46 years of age. I am now serving a term in McALESTER penitentiary for second degree burglary.

I was arrested and put in jail at PAWHUSKA, Okla., charged with murder. That was in September, 1922. My trial was on April 4, 1923, and I was acquitted by the jury of the charge of murder. While I was in jail awaiting trial, one night during March, 1923, a Deputy Sheriff, I believe his name is Void or something like that, came to my cell and said that there was a man outside that wanted to see me, and he let me out of my cell. I went out of the jail and in front of the jail I found BILL HALE sitting in his car. HALE told me to get in his car; that he wanted to talk to me. That was about eight o'clock in the evening. I started to get in the back seat and he told me to get in the front seat with him. He had his motor running and as soon as I got in the front seat with him he started the car off. I asked him what he wanted, and he said, "I want to talk to you awhile." After we got out of the edge of PAWHUSKA, HALE told me, "Now, BURT I asked you several times to blow SMITH up and you wouldn't do it. Now here is one time you are going to do it; I got you in my possession and you are going to do it." I said to HALE, "HALE you ought not do me that way, I am in enough trouble now." HALE answered me and said, "Oh hell, don't be so God Dam chicken hearted." I believe I said to HALE then, "You are just a Dam fool." HALE answered and said, "Now don't get smart or I'll take you down a notch or two." HALE had a big pearl handled pistol on the seat beside him on the outside from me. HALE said to me, "The dirty S— of a B—, (meaning BILL SMITH) the way he done you you ought to want to kill him any way." HALE also said, "I borrowed \$10,000 off of SMITH, and he is rushing me for the money, and if I don't get shut of him, he is going to close me out, and if I get shut of him I won't have to pay it." Nothing more was said until we got to ERNEST BURKHART'S house in FAIRFAX. When we stopped at BURKHART'S house, ERNEST BURKHART came out of the house to the car, and BILL HALE said to me, "Get out." I got out first and then he got out of the car. HALE said to me, "Go on in the house." I walked to the house between HALE and BURKHART. We all three went in the front room and sat down. HALE then said to ERNEST BURKHART, "BURT didn't want to do it, but I told him I had him in my possession and he is going to do what I want him to do." ERNEST BURKHART then spoke up and said, "There ain't no need of getting hard boiled about it, all you got to do is pick the box up and put it in the basement." ERNEST BURKHART said to

BILL HALE, that he had been trying to get BURT to do it, but we got him in a position now where he can't get out of it. HALE and ERNEST continued to talk among themselves. We stayed at ERNEST BURKHART'S house about an hour and a half or two hours, when HALE got up from where he was sitting and said for ERNEST to get that box and put it in the car, and told me to go out first. I got in the front seat of the car like HALE told me to. ERNEST got in the back seat and put the box on the floor between the back and front seats. HALE got in the front seat with me and drove the car. We drove down the main street to BILL SMITH'S house and stopped the car almost in front of SMITH'S house. I believe then HALE looked at his watch and said it was ten minutes to twelve. HALE told me to get out of the car. He got out on one side and I got out on the other. HALE then told ERNEST BURKHART to get out, which he did, and HALE told me to reach in and get that box. I got the box and then HALE said to get in front, meaning in front of him and ERNEST. HALE then said to take the box and put it down in the basement. HALE said to ERNEST, "Don't let him get too dam far ahead of you." "We won't give him any chance to get away, we will go right along with him to see that he puts it there." HALE had his pistol in his outside coat pocket and had his hand on it. We three went to the basement door, which was open, and HALE and ERNEST BURKHART stood at the door while I went down in the basement and set it down. I set the box down at the far end of the basement. This box was a small wood box and had a jug in it. It had boards nailed over the top and a hole cut in them for the neck of the jug to stick out. The jug had a cork in it and it looked like the fuse was run through the cork. There was a long piece of white fuse coiled up on top of the box. When I set the box down I went out of the basement, and HALE and ERNEST told me to get back in the car. I walked between them to the car. I got in the front seat, ERNEST got in the back seat, and BILL HALE got in the front seat with me. We started off and went back to ERNEST BURKHART'S home, and let ERNEST out, and HALE AND I drove off to PAWUSKA. While in the car, both ERNEST BURKHART and BILL HALE said to me, "Now if you ever cheep this to anybody we will kill you." When we got out of the car at BILL SMITH'S house to take the box down in the basement, I saw KELSIE MORRISON standing in the dark at the back of the house. I asked KELSIE, "What are you doing there KELSIE?" KELSIE did not answer me. On the way back to PAWUSKA, neither HALE or I talked very much. We got back to the PAWUSKA jail about two or two-thirty o'clock in the morning. When we, HALE and I, stopped in front of the PAWUSKA jail, HALE said to me, "Now you had better not say anything about it, like we told you, or it wouldn't be good for you." (meaning that if I talked about the blowup to any one, HALE and ERNEST BURKHART would bump me off). HALE then blew his horn, and the Deputy Sheriff came out of the jail and took me back to my cell. Before HALE called the Deputy out to get me, the last thing HALE said to me, "Now don't forget what we told you. I am going to be out of town", but HALE did not say where he was going.

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About two weeks after I got out of jail at PAWHUSKA, after being acquitted by the jury of the charge of murder, I met KELSIE MORRISON on the street in FAIRFAX. I said to KELSIE, "KELSIE, I have been in jail about seven months and I am awful hard run, and I understand that you got plenty of money for that job you pulled (meaning the blowing up of SMITH'S house) and I would like to have a little of the money. If you don't want to give me any, loan me a little and when I get on my feet I'll pay it back." KELSIE said, "I haven't got no money BURT, I haven't got over \$2.00 outside of my name." Then I believe I said to KELSIE, "I understand you got \$5000 out of that deal", and he said, "No, I hain't got nothing yet". I just walked off and left him alone.

About three or four weeks before CHRISTMAS, 1924, I was arrested in TULSA, Okla., on a charge of second degree burglary. I plead guilty to the charge and was sent to the State Penitentiary at McALESTER for seven years. While at McALESTER penitentiary on Labor Day, 1925, I and HAL BUIE, a fellow convict, met KELSIE MORRISON, who had been sent up for a term of nine years, near the laundry entrance in the prison yard. KELSIE said to me and HAL BUIE, "I wish I could get out of this dam place, if I could I'll blow up some more red asses if they wasn't all broke." I said to KELSIE, "If you don't watch, KELSIE you are going to get yourself in a crack that you can't get out." KELSIE answered and said, "Oh hell, I'd do it after night like I did that, while nobody can't see me", meaning blowing up BILL SMITH. I said to KELSIE, "Well you got good money for the job." KELSIE said, "Yes, and it is liable to cost them a dam sight more before they get through with it." Nothing more was said.

Some time in the latter part of August, 1922, as I recall it, I met ROY BUNCH at FAIRFAX near a white church, which is about one block west of the SMITH-WILLIAMS hotel. I had known ROY BUNCH for a long time, and we got into a conversation about making money. BUNCH said, "BURT, do you want to make some easy money?" I said, "It depends on how you want me to make it." BUNCH said, "HENRY ROAN is a good friend of yours, and he will go any where with you. I will give you \$1000 if you will let me put some strychnine in some whiskey and you give it to HENRY ROAN and kill him. I am on bad terms with HENRY, and have got him and his wife separated, and I am going to have his wife if I have to kill him myself." I said, "No, I like HENRY ROAN and would not harm a hair on his head, and won't have anything to do with it. If you want to kill him that is your business, and hop to it." A short time after that, about in September, 1922, I was put in jail at PAWHUSKA charged with murder, of which charge I was later acquitted by jury.

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Some time about the middle of April, 1923, I was in an automobile with HAL BUDE going from HOMINY to BALSTON by way of GRAYHORSE. Between the SAND ROCK school house and the store at GRAYHORSE we met ROY BUNCH, who was in his car. We stopped and all got out, and ROY BUNCH turned to me and said, "BURT who is that fellow you have with you in the car?" I said, "He is just another crook like we are." BUNCH then remarked, "BURT, you had just as well had that \$1000 as not, it would have done you some good. That dam KELSIE MORRISON and BRYAN BUEKHART will not get any good out of it, they will spend it for women and whiskey. Them crazy S— of B—, KELSIE and BRYAN, took that whiskey that I gave them to give to HENRY ROAN, which had strychnine in it, and because it did not work fast enough they shot him. I think they drank the whiskey and then shot ROAN, and I told KELSIE so, and when you see KELSIE you josh him about it." About a week later HAL BUDE and I were in FAIRFAX and met KELSIE MORRISON near the corner of the First National Bank. We got into conversation with him and I said, "KELSIE, ROY BUNCH is telling a bad tale on you. He said you drank that whiskey with strychnine in it that he gave you to kill HENRY ROAN with." KELSIE said, "Did that S— of a B— tell you that?" I said, "He sure did." KELSIE said, "That crazy S— of a B— is liable to tell you anything, but I learned one thing in that deal, Corn whiskey kills the effect of strychnine."

(Signed) BURT LAWSON.

THIRD AND LAST STATEMENT FROM BURT LAWSON:

Oklahoma City, Oct. 23, 1925.

Statement made by BURT LAWSON to T. B. WHITE, Special Agent in Charge; P. S. SMITH and J. V. MURPHY, Special Agents, Dept. of Justice, and LUTHER BISHOP, Investigator, State Bureau of Criminal Investigation.

After being warned that I do not have to make a statement and any statement I do make can and may be used against me in the trial of the cases concerning which such statement is made, and after having been so warned and with no promises having been made me of immunity from prosecution, I now make the following free and voluntary statement without fear of consequences.

My name is BURT LAWSON. I am 46 years of age. I have been a resident of OSAGE County, Oklahoma, for 23 or 24 years. I am now serving a seven-year sentence at McALESTER State Penitentiary

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for second degree burglary. Before being sent to McALESTER, I last lived in TULSA, Okla. The exact date I have forgotten, but as nearly as I can recall, I was in the employ of W. E. "BILL" SMITH as a foreman on his farm and ranch, located near GRAYHORSE, in OSAGE County, Oklahoma, covering a period from some time in 1918 up to some time in 1921. While in the employ of SMITH, I lived in his ranch house with my family. Some time around the early part of 1921 I discovered an intimacy between my wife and W. E. "BILL" SMITH, which finally developed in breaking up my family and caused me to leave the employment of SMITH.

Four or five months before I left the employment of BILL SMITH and moved from his ranch, and while I was in GRAYHORSE for a load of feed I met BILL HALE on the main road going into GRAYHORSE, near BILL SMITH'S house. HALE was riding a horse. HALE stopped me and said to me, "Do you know that that God Dam dirty S--- of a B--- SMITH is ruining your home, you ought to take a gun and kill him." I told HALE, "Well I don't want to get in any more trouble." After that I met BILL HALE pretty often, and every time I would meet him he would always tell me that I ought to kill that S--- of a B--- SMITH for monkeying with my wife.

Some time in August, 1922, I believe, I was camped on a little creek near the cotton gin just outside the city limits of HOKINY, and BILL HALE came to my camp and told me he had inquired in HOKINY where I was, was how he found me. BILL HALE said to me, "BURR I've got a proposition to make to you. You was a dam fool for not killing BILL SMITH the way he had treated you. I borrowed \$10,000 from BILL SMITH and he is crowding me for it, and I haven't got the money at the present time to pay him. I'll give you \$5,000 if you will blow the S--- of a B--- up. I'll fix the nitroglycerine and all you have to do is to put it under his house and set it off. That will get rid of him and I won't have to pay him the money" I said, "BILL I don't know how to use that stuff and I'd be afraid of getting blowed up myself." HALE said, "Oh I can show you how to fix it so there won't be any danger." HALE then picked up two sticks and said, "Now I'll show you how to set it off so you won't get hurt." HALE then held the two sticks about an inch apart and said to just cut a short piece of fuse and split the end open on it and split the end open on the long fuse, attached to the nitro, and light the small piece of fuse with a match and hold it a little ways from the end of the long piece of fuse and let the spark jump from the short piece to the long piece and that would be more of a sure shot than lighting the long piece with a match. BILL HALE talked on a while trying to get me to do it, and I told him I would see about it.

Some time in September, 1922, I was arrested and put in PAMHUSKA

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jail charged with murder, and did not see BILL HALE any more until about three days before BILL SMITH'S house was blown up, when HALE came to the jail to see me. I was in a cell by myself. BILL HALE said to me, "BURT, you will be needing some attorneys pretty soon and I know you haven't got any money to pay them with, and I want that job pulled. Now I can come and get you out of the jail and take you over there and you can do the job, and I can get you back in jail and nobody will ever know the difference." I said, "All right BILL, I'll pull it." HALE said, "Well I'll get everything fixed and be back after you in the next three or four days." Three days after that, about eight o'clock at night, a Deputy Sheriff, I think, named BLOYD, or something like that, came to my cell and unlocked it and said, "BURT, come out here there is a party wants to see you", and told me to get my coat and hat. He then took me down and out of the North front door and pointed out to a car standing in front of the jail and said, "The party that wants to see you is in the car." I went out to the car and found BILL HALE in it. He told me to get in, which I did and he drove off to FAIRFAX. On the road to FAIRFAX, HALE told me that he had everything fixed and that I could do a good job and nobody will ever know anything about it, and said "As soon as you get through with it I'll give you \$5,000 cash." HALE was driving a big Buick car. We went to FAIRFAX and to ERNEST BURKHART'S house. When we got there we went in to the front room and found ERNEST BURKHART there. BURKHART said something about his wife was not at home, and I did not see any one there but ERNEST AND BILL HALE. We all sat down, and HALE told ERNEST BURKHART to get us a drink. ERNEST went out and came back with some whiskey and we all drank. HALE then said that BILL SMITH and his family were at a show, and wouldn't be back until late, and told ERNEST to go get the box. ERNEST went out and was gone a few minutes and came back with a small box about a foot square and sat it down on the floor by us. This box I could see had a jug in it with the neck sticking out through a hole in the top, and had a big roll of white fuse laying on top of the box with one end of the fuse running thru a cork in the jug. HALE remarked, "Now everything is fixed fine; this fuse will reach from the cellar in SMITH'S house, back to the alley." HALE asked me if I knew anything about SMITH'S house. I told him yes, that I had been by the house many times and knew where the entrance to the cellar was. HALE said, "Well we will take you in the car and drive you down near the house in the alley and put you out and you then take the box and go to SMITH'S house before they come home and put the box in the cellar, and then take the fuse and lay it out as far as it will reach, but be sure not to pull it loose from the jug. Then you sit back in the dark and watch and when SMITH comes home and goes to bed, you wait about three quarters of an hour and give him plenty of time to go to sleep, then you touch her off and run like hell and come back here to the house."

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we then waited quite a while and finally HALE said, "Well, its time to go." ERNEST BURKHART took the box with the fuse and we all went out and got in the car. We drove down to an alley way that leads in behind where BILL SMITH lives, and drove down this alleyway a short piece, and I got out and took the box and fuse, and HALE and ERNEST drove on away. I then went in the back way and into SMITH'S cellar, and placed the box in the far corner of the cellar, then laid the fuse out like HALE had told me, and the end of it reached clear out and into the alley behind SMITH'S house. I then sat down in the dark and waited. Finally BILL SMITH, his wife and his hired girl came walking down the sidewalk from the north and went into SMITH'S house. I saw the lights turned on. I suppose they all undressed and went to bed for pretty soon the lights went out. I sat there for quite a while, I had no way to tell what time it was, but I would figure it was about three quarters of an hour, and after I thought they were all asleep, then I lighted a short piece of fuse, that BILL HALE cut off the long piece for me before we left the house and fixed the ends, and touched off the long fuse with it. As soon as the long end began to smoke, I beat it as fast as I could for ERNEST BURKHARTS, going down the alley. When I got to BURKHART'S house, BILL HALE was out on BURKHART'S porch waiting for me. I whispered to him and said, "Well I touched her off, the fuse was smoking when I left." I went on in the house and HALE remained on the porch. I started to take a drink of whiskey from a bottle setting on the table and about that time heard the explosion. HALE then came into the room and said, "Well one went off. Lets all take a drink and I'll rush you back to jail in PANNUSKA, and I'm going to take a little trip." HALE and I then went out and got in a Buick car and beat it for PANNUSKA, and to the North entrance of the jail, and blewed his horn, and DEPUTY SHERIFF VOID, OR BLOYD, came out of the jail door and HALE told me to go on to him, which I did and this deputy locked me up again in my cell. On the road back to PANNUSKA from FAIRFAX, after the explosion, HALE agsin mentioned that he was going to take a trip and as soon as he got back, which would be in a few days, that he would pay me for the job. Up to this time HALE has never paid me. I have asked him for it several times, and got HAL BUIE to write a letter for me to HALE since I have been in the penitentiary, asking him to send me \$200 and he wouldn't even answer my letter.

Some time in the latter part of August, 1922, as I recall it, I met ROY BUNCH at FAIRFAX near a white church, which is about one block west of the Smith-Williams hotel. I had known ROY BUNCH for a long time, and we got into a conversation about making money. BUNCH said, "BURT, do you want to make some easy money?" I said, "It depends on how you want me to make it."

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BUNCH said, "HENRY ROAK is a good friend of yours and he will go anywhere with you. I will give you a \$1000 if you will let me put some strychnine in some whiskey and you give it to HENRY ROAK and kill him. I am on bad terms with HENRY, and have got him and his wife seperated, and I am going to have his wife if I have to kill him myself." I said, "No, I like HENRY ROAK and would not harm a hair in his head, and won't have anything to do with it. If you want to kill him that is your business, and hop to it." A short time after that, I believe in September, 1922, I was put in jail at PAWHUSHA charged with murder, but was acquitted by the jury later.

Some time about the middle of April, 1923, I was in an automobile with HAL BUIE going from HOLMNY to RALSTON by way of GRAYHORSE. Between the sand Rock school house and the store at GRAYHORSE we met ROY BUNCH, who was in his car. We stopped and all got out, and ROY BUNCH turned to me and said, "BURT who is that fellow you have with you in the car?" I said, "He is just another crook like we are." BUNCH then remarked, "BURT you had just as well had that \$1000 as not, it would have done you some good. That dam KELSIE MORRISON and BRYAN BURKHART will not get any good out of it, they will spend it for women and whiskey. Them crazy S---of B----- KELSIE and BRYAN, took that whiskey that had strychnine in it which I gave them to give HENRY ROAK, and they gave it to him and it did not work fast enough and they shot him. I think they drank the whsikey and then shot ROAK, and I told KELSIE so, and when you see KELSIE you josh him about it." About a week later HAL BUIE and I were in FAIRFAX and met KELSIE MORRISON near the corner of the First National Bank. We got into conversation with him, and I said, "KELSIE, ROY BUNCH is telling a bad tale on you. He says you drank that whiskey with strychnine in it that he gave you to kill HENRY ROAK with." KELSIE said, "Did that S--- of a B-----tell you that?" I said, "He sure did." KELSIE said, "That crazy S---of a B--- is liable to tell you anything, but I learned one thing in that deal, Corn whiskey kills the effect of strychnine.

While at MOALESTER penitentiary on Labor Day, 1925, HAL BUIE and I, met KELSIE MORRISON near the entrance to the laundry in the prison yard. KELSIE had been sent up for a term of nine years. KELSIE said to me and HAL BUIE, "I wish I could get out of this dam place, if I could I'd blow me up some more Red Asses if they wasn't all broke." I said to KELSIE, "If you don't watch, KELSIE, you are going to get yourself in a crack that you can't get out." KELSIE answered and said, "Oh Hell, I'd do it after night like I did that, while nobody can't see me." I said to KELSIE, "Well you got good money for the job." KELSIE said, "Yes, and it is liable to cost them a dam sight more before they get through with it." Nothing more was said.

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(Signed) BURT LAWSON.

WITNESSES:

W. W. STEWART  
RUSSELL BRYAN

PRESENT LOCATION OF WITNESSES:

CHARLES BLAIR, County Jail, Tulsa, Oklahoma.  
Under charge of Grand Larceny by State.

BLANCH JOVINGTON, 1109 North Cincinnati St., Tulsa, Okla.

HAL BUIE, In Custody.  
Under sentence by State of Oklahoma

BURT LAWSON, In Custody.  
Under sentence by State of Oklahoma.

It is unquestionably a fact that LAWSON was endeavoring to divulge information in the SMITH murder case, implicating HALE and BURKHART, and substituting an innocent person in his stead as the actual murderer, and attempting to substantiate his allegation in part by framing witnesses whom he thought he had the confidence of, but which failed to materialize, and caused him to finally divulge the full truth.

RE. HENRY ROAN MURDER.

Attention is respectfully directed to corroboration in statements herein set out by HAL BUIE and BURT LAWSON relative to ROY BUNCH and KELSIE MORRISON, also BRYAN BURKHART in connection with the murder of HENRY ROAN.

CONTINUED.

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Department of Justice

TELEGRAM RECEIVED

039831

Oklahoma City, Okla.

October 29, 1925.

Director,  
Dept. of Justice,  
Washington, D. C.

62-5033-243	
BUREAU OF INVESTIGATION	
NOV 5 1925 P.M.	
DEPARTMENT OF JUSTICE	
Div. Two	FILE

Special Assistant to the Attorney General Brown advises  
Attorney General authorizes Bert Lawson, Osage Case, re-  
ceival Leavenworth. Agent Murphy leaving with him tonight.

Two white.

*Handwritten:* auto 11-3-25 104

Rec'd & decoded

7:00 PM

OGD

W:JL

62-5033-243

November 3, 1925.

Mr. F. B. White,  
P. O. Box 126,  
Oklahoma City, Oklahoma.

Dear Sir:

I have received your telegram of October 29, 1925, advising that Special Assistant to the Attorney General Brown has been notified by the Attorney General that the latter had authorized the receipt by Leavenworth Penitentiary of Bert Larson, witness in the Deage case. I also note that Agent Murphy left with Larson on the night of the 29th.

I am somewhat surprised at the latter statement as I had assumed that every precaution was taken with a view to seeing that the Bureau was not obligated beyond its normal and proper responsibilities. The transfer of a prisoner from one place to another is, of course, chiefly the duty of the office of the U. S. States Marshal. I realize, of course, that the conditions here are unusual but I am somewhat mystified as to how Agents of the Bureau can escort even a State prisoner from one place of incarceration to another. The Bureau would naturally have been seriously embarrassed if this man had escaped enroute. It is my desire to assume no responsibility for the detention of any of these individuals, this not being in any way incumbent upon the Bureau. I do not know of any way whereby the Bureau can assist in the process of transporting this man to Leavenworth Penitentiary, assuming, of course, that Special Assistant to the Attorney General Brown has made arrangements to take care of this matter through other channels.

Very truly yours,

RECORDED & INDEXED

DL

1159

WESTERN

AN ANSWER IS EXPECTED

by the sender of this message. Please give it to the messenger or telephone it to

WESTERN UNION

UNION AM

14th & G St., N.W., Washington, D.C.

CURTIS

DEPARTMENT OF JUSTICE

CARE MR GRIMER FOURTH FLOOR WASHINGTON DC

YOU ARE FAMILIAR WITH KENNY CASE WITH YOUR HELP KENNY'S COMPETENCY WAS REVOKED GANG AND GUARDIAN INTEND TO SPEND ALL MONEY THEY CAN GUARDIAN WILL NOT TURN BACK FUNDS WITHOUT HARD FIGHT AND WILL FIGHT HARD WITH OWN MONEY COUNTY COURT AGAINST US HERE AND AS YOU KNOW UNDER GANG RULE CASE SET AGAIN FOR NINTH INSTANT KENNY MONEY FLED UP

NOV 11 1925

To Indian Office  
11/9/25

RECORDED & INDEXED

62-5033-244	
BUREAU OF INVESTIGATION	
NOV 10 1925 P.M.	
DEPARTMENT OF JUSTICE	
Div. Two	FILE

12/10

# WESTERN UNION TELEGRAM

HE CANNOT FIGHT TO PROTECT HIS RIGHTS WITHOUT MONEY LARGE FEES ARE  
CHARGED GUARDIAN WILL NOT FURNISH FUNDS TO WARD GOVERNMENT RECORDS  
THEY BARE HEAVY EXPENSES POLITICS AND EVERYTHING ELSE SEEMS ARRAYED  
AGAINST US IN THIS CASE WIRE COLLECT IF YOU CAN ASSIST

NECIA LEBBY



099927

33-244

NOV 1925

November 2, 1925

Honorable Charles E. Dutton,  
Commissioner of Indian Affairs,  
Department of the Interior,  
Washington, D.C.

Dear Sir:

Some time ago I referred to you information in connection with the case of John Henry, an Apache Indian, which matter was pending before you at that time in connection with the cancellation of a certificate of competency. It is my understanding that the certificate has cancelled and that Henry has been replaced under the control of the Federal government.

I am getting latest copy of alleged affidavit to the Department of Justice by the wife of John Henry, in which it is apparent that difficulties are being experienced with Henry's former guardian to refuse to pay over certain governmental funds.

You are familiar with Henry case with your help Henry's certificate of competency was revoked gang and guardian intends to make us spend all money they can get and will not turn back funds without hard fight and will fight hard with our money coming from the State of Arizona and all the time Henry is tied up. He cannot fight to protect his rights without money large firms are charged guardian will not furnish funds to ward government allowance only have living expenses politics and everything else gone arrayed against us in this case wire collect if you can assist. (signed) Neola Henry."

The Bureau of Investigation will take no action in the matter in the absence of a request from you.

Very truly yours,

Director.

RECORDED & INDEXED

1362

CASE ORIGINATED AT Oklahoma City, Okla		(S. F. File 10-3)	
REPORT MADE AT San Francisco, Cal.	DATE WHEN MADE Nov. 6	PERIOD FOR WHICH MADE Nov. 2-6/25	REPORT MADE BY John L. Dadds
TITLE BRYAN BURKHART et al		CHARACTER OF CASE Murder of Anna Brown and others - Osage Indians	
C99926			

**SYNOPSIS OF FACTS:**

Records of Postmaster, Oroville, Calif. show Wid Ewers not now nor ever has been in or about that city. Phone or city directories there do not list. Records of Postmaster, police, phone or city directories, Fresno, Calif. fail to show Ewers there or in a radius of 80 miles of Fresno. All leads in this district exhausted without results.

R. U. C.

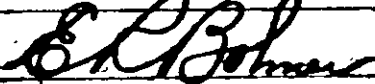
**DETAILS:**

This report is predicated on a letter from Special Agent in Charge White, dated Oklahoma City, Oct. 23, 1925, requesting Wid Ewers, be located at Oroville, Butte County, Calif., as a witness in above captioned case.

Further details same as Synopsis.

R. U. C.

62-5033-275

 SPECIAL AGENT IN CHARGE		62-5033
COPIES OF THIS REPORT FURNISHED TO: Washington 3 File 1 Oklahoma City 2		BUREAU OF INVESTIGATION NOV 11 1925 DEPARTMENT OF JUSTICE ROUTED TO: